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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CRL.M.C. 2225/2016**

**AMIT SODHI**

..... Petitioner

Through Mr.Rakesh Kakar, Adv.

versus

**STATE**

..... Respondent

Through Ms.Manjeet Arya, APP With SI  
Deepak Kumar, PS Rajouri Garden.

**CORAM:**

**HON'BLE MR. JUSTICE P.S.TEJI**

**ORDER**

% **01.06.2016**

**Crl.M.A. 9355/2016 (Exemption)**

Application is allowed subject to just exceptions.

**Crl.M.C. 2225/2016**

Arguments heard.

The present petition under Section 482 Cr.P.C. has been moved by the petitioner for the grant of permanent exemption to the petitioner in the case FIR No.154/2003, under Sections 420/506/34 IPC, Police Station Rajouri Garden, New Delhi pending before the Court below.

Counsel for the petitioner has submitted that the FIR in question pertains to the year 2003 and about 13 years have passed but the trial is not proceeding. In the meanwhile, the petitioner applied for higher studies in New Zealand. The petitioner has been issued an

offer letter from a respective University to join the college and attend the classes.

The sole ground of the petitioner claiming permanent exemption is that the petitioner is to be admitted in the University at New Zealand.

Perusal of record shows that the FIR of the present case was registered in the year 2003. The trial of the case is still continuing. In a criminal law, it is a settled law that the grant of exemption whether temporary or permanent is the sole prerogative of the Court conducting trial. An accused cannot claim the exemption and visit to go abroad as a matter of right. It is noteworthy that the absence of the petitioner may linger on the trial which may be prejudicial to the prosecution as well as other accused persons.

Consequently, this Court does not find any ground to grant permanent exemption to the petitioner. The present petition is accordingly dismissed.

**P.S.TEJI, J**

**JUNE 01, 2016**  
**dd**