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

DECIDED ON : 11th MAY, 2016

+ **CRL.M.C.863/2015**

STATE (NCT OF DELHI)

..... Appellant

Through : Mr.Amit Gupta, APP with SI Rajbir Singh.

versus

ALKA RANI & ANR.

..... Respondents

Through : Mr.Amit Jain, Advocate.

CORAM:

HON'BLE MR. JUSTICE S.P.GARG

S.P.GARG, J. (Oral)

1. Present petition under Section 482 Cr.P.C. has been filed by the State to challenge the legality and correctness of orders dated 26.04.2012 and 12.09.2014 of learned Metropolitan Magistrate in case FIR No.73/2011 registered under Sections 420/468/465/471 IPC at PS Dwarka North whereby the respondents were granted permanent exemption from appearance and State's request to withdraw the exemption was declined. The petition is contested by the respondents.

2. I have heard the learned counsel for the parties and have examined the record. The respondents along with other partners of the firm are facing trial in case FIR No.73/2011 before the Trial Court. By detailed order dated 26.04.2012, considering the facts and circumstances of the case

and the fact that the respondents were residents of Ludhiana (Punjab) and were women aged around 41 and 50 years, permanent exemption from appearance was granted to them on certain conditions. This order was passed in the presence of the learned Assistant Public Prosecutor. There was no occasion for the State to move any application for withdrawal of this exemption particularly when there were no allegations of its misuse. The Trial Court had put various conditions to ensure that the trial was not delayed and the respondents are represented through their counsel and evidence could be recorded in their absence. Nothing is on record to show if the respondents were instrumental in delay of the trial. Moreover, the Trial Court was at liberty to withdraw this exemption any time.

3. The petition lacks merit and is dismissed. Trial Court record (if any) be sent back forth with the copy of the order.

(S.P.GARG)
JUDGE

MAY 11, 2016 / tr