

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

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**CRM-M-42307-2017
DATE OF DECISION: 08.11.2017**

P.N.KHANNA

... Petitioner(s)

Versus

STATE OF HARYANA AND ANR.

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Gurmohan Singh Bedi, Advocate
for the petitioner.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioner is challenging the condition imposed in order dated 30.10.2017 passed by Additional Sessions Judge, Gurugram whereby the revision petition against the order dated 23.08.2017 passed by the trial Court dismissing the application for cancellation of non-bailable warrants and exemption of the petitioner from personal appearance has been allowed, subject to the condition that accused will deposit 1/4th of the amount of cheque in dispute.

Learned counsel for the petitioner contends that the petitioner is 73 years of age and is suffering from liver cancer and he is under treatment at the Institute of Liver & Biliary Sciences, New Delhi. Copies of documents indicating the medical treatment of the petitioner have been appended as Annexure P-2. Learned counsel further contends that he has instructions to confine the prayer in this petition for extension of time to deposit 1/4th of the amount of the cheque in question as directed by the revisional court. He also

contends that the instant case is outcome of complaint case bearing No.7394 of 2016 which pertains to dishonouring of two cheques which amount to Rs.2,41,667/- in aggregate.

In view of the limited prayer of the learned counsel for the petitioner, I intend to dispose of this petition without issuance of notice to respondent No.2.

The petitioner is suffering from liver cancer. This has also been recorded by the revisional court while setting aside the order of the trial Court for issuance of non-bailable warrants and granting exemption from personal appearance of the petitioner in Court. The revisional court has directed the petitioner to appear before the trial Court on 09.11.2017 and deposit 1/4th of the amount of the cheques in question. The petitioner in view of his ill-health deserves to be given more time to make the deposit.

Consequently, the petition is partly allowed and the order of the revisional court stands modified to the extent that the petitioner shall deposit 1/4th of the amount of the cheques in question in case bearing No.7394 of 2016 by 08.12.2017.

08.11.2017*SwarnjitS***(ANUPINDER SINGH GREWAL)
JUDGE**

Whether speaking/reasoned :	Yes / No
Whether reportable :	Yes / No