

**241-A IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

Crl. Misc. M- 23405 of 2017 (O&M)
Date of Decision: 17.04.2018

Suresh Kumar and another Petitioners

versus

State of Haryana and another Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr.Surinder Gandhi, Advocate for the petitioners.

Mr.P.P.Chhar, DAG, Haryana.

Mr.Adish Gupta, Advocate for respondent No.2.

JAISHREE THAKUR, J. (Oral)

This is a petition which has been filed under Section 482 of the Code of Criminal Procedure for setting aside order dated 15.05.2017 passed by Additional Sessions Judge, Faridabad and order dated 03.10.2016 whereby the application filed by the petitioner seeking exemption from personal appearance was declined.

Reply filed on behalf of the respondent-State in Court today is taken on record. Copy supplied to the counsel opposite

Learned counsel appearing on behalf of the petitioners herein contends that the petitioners are facing trial in FIR No.742 dated 22.12.2014, under Sections 498-A, 406, 506, 34 IPC, registered at Police Station Sector 7, District Faridabad along with their son Brijesh Kumar Verma. It is further contended that the matter in fact had been compromised between the parties but, however, the same did not fructify. It is contended that the petitioners herein are already facing trial, however, it is difficult for them to appear on

day to day basis in proceedings which are being carried on at Faridabad since they are residents of Rohtak which is at a distance of about 150 Kilometers.

Learned counsel appearing on behalf of respondent No.2-complainant opposed the prayer made.

I have heard learned counsel for the parties and also perused the interim order that was passed on 01.09.2017 wherein the prayer for personal exemption had been opposed by counsel for the respondents. On that day it was noted that only three formal witnesses had to be examined which is the same position as on date.

In view of the above that the matter is lingering, this Court deems it appropriate to allow this petition seeking exemption from personal appearance of the petitioners who are the father-in-law and mother-in-law of the complainant, subject to depositing their passports with the trial Court and furnishing an undertaking that they will be present in Court as and when required.

Disposed of in the aforesaid terms.

17.04.2018

sunita

(JAISHREE THAKUR)

JUDGE

Whether speaking/reasoned

Yes

Whether reportable

Yes/No