

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

Smriti
2018.05.16 09:53
I attest to the accuracy and
integrity of this document

**CRM-M-32932-2016 (O&M)
Date of Decision: 11.05.2018**

A.K.Traders and another

... Petitioners

V/S

Mithu Battery House Proprietor

.. Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Sanjiv Gupta, Advocate
for the petitioners.

Mr. M.K.Singla, Advocate
for the respondent.

ARVIND SINGH SANGWAN,J. (Oral):

Prayer in this petition is for quashing of complaint No. 250 dated 13.10.2015 filed under Section 138 of the Negotiable Instruments Act and summoning order dated 29.03.2016 (Annexure P2).

While issuing notice of motion, personal appearance of the petitioners before the trial Court was exempted.

This petition is pending since 2016, therefore, it is disposed of by granting liberty to the petitioners to raise all the pleas/defences before the trial Court as taken in the present petition at appropriate stage.

Liberty is granted to the petitioners to move an application for discharge alongwith all documents and the trial Court will decide the same within a period of 03 months from filing of the same.

However, personal appearance of the petitioners shall remain exempted subject to furnishing an undertaking before the trial Court that they shall be represented through their counsel; shall not delay/stall the proceedings of the trial; shall not dispute their identity as accused; shall have no objection if the prosecution evidence is recorded in their absence, but in the presence of their

counsel; they shall put in appearance as and when required by the trial Court and comply with any other condition which the trial Court may impose.

However, it will be open for the trial Court to recall the order granting exemption from personal appearance if the petitioners fail to abide by the above terms and conditions and the petitioners will appear before the trial Court on any substantive date as and when their personal appearance is required.

(ARVIND SINGH SANGWAN)
JUDGE

11.05.2018
smriti

Whether speaking/reasoned : Yes/No.
Whether Reportable : Yes/No