

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Smriti
2018.05.30 09:25
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Date of decision: 23.05.2018

CRM-M-32487-2017

Kanwardeep Singh

Vs.

.. Petitioner

M/s Hansa Tubes Private Limited

.. Respondent

CRM-M-32541-2017

Kanwardeep Singh

Vs.

.. Petitioner

M/s Hansa Tubes Private Limited

.. Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. G.S.Jagpal, Advocate
for the petitioner.

Mr. Aayush Gupta, Advocate
for the respondent.

ARVIND SINGH SANGWAN, J. (ORAL)

On 05.09.2017, the following order was passed:-

“Prayer in the present petition is for quashing of complaint No.7187 of 2015 (Annexure P-2) and the summoning order dated 22.3.2016 (Annexure P-3) as well as all subsequent proceedings arising therefrom.

Learned counsel for the petitioner submits that petitioner was previously a Director of Punjab Tubes Limited which is arrayed as respondent No. 1 in the complaint and resigned on 1.10.2014 from the said company. He further submits that after the resignation of the petitioner, an intimation was sent to Registrar of Companies and the same was accepted on 29.4.2015 (Annexure P-1).

It is further submitted on behalf of petitioner that he is not even the signatory of the cheque and as per the complaint, no specific allegations are made out against the petitioner in the said complaint regarding the capacity in which the petitioner was working as Director of respondent-Company. He further submits that petitioner has already put in appearance before the trial Court.

Notice of motion for 12.10.2017.

In the meantime, appearance of the petitioner shall remain exempted till the next date of hearing.”

Learned counsel appearing for the respondent submits that the case is now at the stage of defence evidence and arguments and, therefore, considering the fact that the entire evidence has been concluded, learned counsel for the petitioner seeks permission to withdraw the petitions and raise all the pleas/defences before the trial Court.

In view of the above, interim order dated 05.09.2017 granting exemption to the petitioner from personal appearance before the trial Court shall remain operative subject to his furnishing an undertaking before the trial Court that he will be represented through his counsel; will not delay/stall the proceedings of the trial; shall not dispute his identity as accused; shall have no objection if the prosecution evidence is recorded in his absence, but in the presence of his counsel; he will 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 petitioner fails to abide by the above terms and conditions and the petitioner will appear before the trial Court on any substantive date as and when his personal appearance is required.

Disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

23.05.2018
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Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No