

119 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Hemlata
2018.02.10 11:13
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CRM-M-46457-2017(O&M)

Date of decision: 01.02.2018

Balvinder Paper Mills (P) Ltd. and others.

...Petitioners

Versus

Shanti Sales (India) Pvt. Ltd.

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Arjun Veer Sharma, Advocate
for the petitioners.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for quashing of complaint bearing No.COMA/5482/2016 registered under Section 138 of the Negotiable Instruments Act as well as the summoning order dated 28.10.2016 passed by the JMIC, Ludhinana (Annexure P-2).

Counsel for the petitioners restricts his arguments to the extent that the appearance of the accused persons be exempted and they may be permitted to face the trial through their counsel. On merits, the petitioners may take all the pleas /defence before the trial Court in accordance with law during the course of trial.

Learned counsel for the petitioner has relied upon the judgment of Hon'ble the Supreme Court 2001 (4) RCR (criminal) 137 M/s Bhaskar Industries Ltd. Vs. M/s Bhiwani Denim & Apparels Ltd., wherein, it has been held that in proceedings under Section 138 of the Negotiable Instruments Act, the accused can be permitted to face the trial through their counsel.

In view of the above, in case, the petitioners file an application under Section 205 Cr.P.C. for seeking exemption for his personal

appearance before the trial Court, the same be granted subject to the conditions that the petitioners will appear on all effective proceedings requiring their presence before the trial Court; the evidence will be recorded in the absence of petitioners and they will not raise any objection later on; all miscellaneous application will also be decided and any application/reply filed on their behalf by their counsel, it will be taken as signed by them, if the counsel appearing on behalf of the petitioners-accused does not co-operate in the proceedings of the case, it will be open for the trial to cancel the personal exemption.

Disposed off.

(ARVIND SINGH SANGWAN)
JUDGE

01.02.2018
Hemlata

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