

127-4

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.5522 of 2018

Date of decision: 23.05.2018

Mohit Bhunsali

....Petitioner

Versus

M/s Mahadev Forge Private Limited

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Jagdish Manchanda, Advocate
for the petitioner.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for quashing of criminal complaint No.564/A of 2016 dated 09.01.2016 (Annexure P1) filed under Section 138 of the Negotiable Instruments Act as well as the summoning order dated 01.04.2016 (Annexure P4) and all other subsequent proceedings arising therefrom.

Learned counsel for the petitioner, at the very outset, submits that he may be permitted to withdraw the present petition with liberty to the petitioner to move an application for discharge along with all the supporting documents and personal appearance of the petitioner before the trial Court may be exempted permanently during pendency of the trial.

After hearing learned counsel for the petitioner, this petition is ordered to be dismissed as withdrawn, by granting exemption to the petitioner from personal appearance before the trial Court subject to the following conditions: -

(i) he will be represented by a counsel;

(ii) he will not delay/stall the proceedings of the trial

Court;

(iii) he will not dispute his identity as accused;

(iv) he will have no objection if the prosecution evidence is recorded in his absence but in presence of his counsel;

(v) he will appear before the trial Court as and when required by the trial Court and any other condition which the trial Court may impose.

In case the petitioner file an application for discharge within a period of 15 days from today, the trial Court will decide the same expeditiously, in accordance with law, preferably within a period of 03 months from the date of receipt of certified copy of this order.

(ARVIND SINGH SANGWAN)
JUDGE

23.05.2018

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No