

CRR-623-2018 (O&M)
Date of decision:17.02.2018

Meena Goyal ...Petitioner
Versus
Anju Dalmia and others ...Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Sanjiv Gupta KKR, Advocate
for the petitioner.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for setting aside the impugned order dated 02.01.2018 passed by the trial Court, while deciding an application under Section 205 of the Criminal Procedure Code 1973, filed by the respondent-accused seeking permanent exemption from personal appearance on medical ground.

Learned counsel for the petitioner submits that the trial Court has not passed a judicial order as the medical certificate attached with the application pertains to the year 2015.

After hearing learned counsel for the petitioner, I find no merits in the present petition. A perusal of the impugned order shows that an exemption has been granted on the conditions that the accused will be represented by their counsel and their counsel will appear on each and every date of hearing. It is also observed that the accused will not raise any objection regarding the fact that evidence has been recorded in their absence and the counsel for the accused will appear on each and every date of hearing and will not take date for cross-examination of witnesses and the accused will come present as and when the Court will call.

In view of the above, it is still open to the petitioner to move an application before the trial Court, in case, the accused persons fail to comply with the aforesaid conditions or their counsel in the trial Court do not cooperate with the proceedings in the trial.

With the liberty aforesaid, this petition is disposed of.

(ARVIND SINGH SANGWAN)
JUDGE

17.02.2018
Hemlata

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