

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

CRM-M No.2463 of 2019

Date of decision: 21.01.2019

Om Parkash

....Petitioner

Versus

Subhash Chander and another

....Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Gourav Jain, Advocate
for the petitioner.

ARVIND SINGH SANGWAN J. (Oral)

Counsel for the petitioner restricts his argument to the extent that the petitioner is aged about 77 years and he is suffering from chronic kidney disease and is undergoing the treatment and as per the medical report (Annexure P7), he has to undergo dialysis thrice a week and thus, he submits that the presence of the petitioner be exempted before the trial Court.

Accordingly, the present petition is disposed of and the personal appearance of the petitioner is exempted before the trial Court subject to the following conditions:-

- i. his personal appearance shall remain exempted subject to furnishing an undertaking before the trial Court that the petitioner shall be represented through his counsel;*
- ii. he shall not delay/stall the proceedings of the trial; he shall not dispute his identity as accused;*
- iii. he shall have no objection if the prosecution evidence is recorded in his absence but in the presence of his counsel;*
- iv. he shall appear before the trial Court as and when*

required by the trial Court and 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 at any stage and the petitioner shall appear before the trial Court on any substantive date when his personal appearance is required.

(ARVIND SINGH SANGWAN)
JUDGE

21.01.2019
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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No