

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

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**CRM-M-11738-2016 (O&M)
Date of Order:23.09.2019**

EMKAY AUTOMOBILE INDUSTRIES LTD. AND ANR

..Petitioners

Versus

SHRI BALAJI EXPRESS CARGO SERVICE

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. P.K.Khindria, Advocate,
for the petitioners

Mr. R.S.Bains, Advocate,
for the respondent.

ANIL KSHETARPAL, J(Oral)

After arguing for some time, counsel for the petitioners prays that he may be permitted to withdraw the present petition with liberty to take the plea sought to be urged through the present petition, in defence. However, he submits that the petitioners are resident of Delhi and the complaint is pending at Ludhiana, which is at the distance of approximately 350 Kms. He, hence, submits that the personal appearance of the petitioners-accused be exempted.

Keeping in view the prayer made, the present petition is dismissed as withdraw with liberty aforesaid.

As regards exemption, the petitioners shall be at liberty to file an application before the learned Court of Judicial Magistrate. They would also appear before the Court to receive notice of accusation/charge as the

case may be. Thereafter, if the petitioners file an affidavit that they shall have no objection to the recording of the evidence in their absence, the court would consider their application for exemption from personal appearance.

Disposed of accordingly.

September 23, 2019
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(ANIL KSHETARPAL)
JUDGE

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