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

CRM-M-36109 of 2019

Date of decision: August 30, 2019

Anita Nijhawan

.....Petitioner

Versus

Heer Ketanbhai Kamdar

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Manoj Kumar, Advocate for the petitioner.

MAHABIR SINGH SINDHU, J (Oral)

Present petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Cr. P.C.') for quashing of complaint No.4863 of 2017 dated 14.06.2017 titled as "Heer Ketanbhai Kamdar versus M/s Anand Boards and others" as well as summoning order dated 04.01.2018 passed by learned Judicial Magistrate Ist Class, Chandigarh along with all consequential proceedings arising therefrom.

Learned counsel for the petitioner, instead of challenging the impugned order as well as complaint, has confined his prayer only for seeking exemption from personal appearance of the petitioner, before learned trial Court.

Prayer seems to be justified and is accepted.

Petition stands disposed off. However, personal appearance of the petitioner, before the learned trial Court, shall remain exempted, until the stage of recording of statement under Section 313 of Code of Criminal Procedure, 1973, subject to following conditions, but it is made

clear that in case any adverse order is passed against him, he shall not raise any grievance for the same:-

- (i) Petitioner shall be represented through Counsel;
- (ii) Shall not delay/stall the trial proceedings;
- (iii) Shall not dispute his identity as an accused;
- (iv) Shall have no objection if the prosecution evidence is recorded in his absence, but in the presence of his Counsel;
- (v) Shall appear before learned trial Court as and when required;
- (vi) Any other condition which the learned trial Court may impose.

(MAHABIR SINGH SINDHU)
JUDGE

August 30, 2019

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Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No