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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of decision: 29.01.2020

+ CRL.M.C. 6603/2019

VEENA PITTIE

..... Petitioner

Through

Mr.Kailash Vasudev & Mr.P.C. Sen,
Sr. Advs. with Mr.Sidharth Joshi,
Ms.Bindu Saxena, Mr.Dhruv Saxena,
Ms.Aparajita Swarup, MS.Ambaree,
Mr.Rajat Prajapati & Mr.Shantanu
Rathor, Advs.

versus

STATE

..... Respondent

Through

Mr. Izhar Ahmad, APP for State.
SI Mahesh Kumar PS Nabi Karim.
Mr.Prince Arora, Adv. for
complainant /R-2.

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

J U D G M E N T (O R A L)

Crl. M.A. 43179/2019

1. Allowed, subject to all just exceptions.
2. Application is disposed of.

Crl.M.C. 6603/2019 & Crl.M.A. 43178/2019

3. The present petition is preferred under section 482 of the Cr.P.C. 1973, against the impugned order dated 19.10.2019 passed by the Ld.MM,

Tis Hazari Court, Delhi whereby the court rejected the application for permanent exemption and to grant permanent exemption to the accused person through her counsel during the course of pending trial subject to any terms and conditions in CC No.290437/16.

4. It is not in dispute that a civil suit in respect of the very same transaction (which is the subject matter of these proceedings in Delhi) was filed by the complainant and appeals arising therefrom are pending hearing in Pune Courts of competent jurisdiction. As alleged, the entire transaction took place in Pune and the property to which the transaction pertains is also situated in Pune. No part of the transaction took place in Delhi.

5. Learned senior counsel for the petitioner submits that the agreement in question is also signed in Pune. The Petitioner, a widow, is a senior citizen and about 75 years old aged lady, residing at Pune (Maharashtra). The Petitioner is suffering from health issues from long time due to her old age and has been operated for partial distal Gastrectomy for her recurrent gastrointestinal bleeding. She also underwent Prosthetic valve replacement for Aortic Stenosis. Due to her ailment, she has been advised not to undertake any journey. The Petitioner had filed an application for permanent

exemption from appearance on 06.03.2019 on cogent and bonafide grounds, which has been dismissed by the impugned order.

6. Counsel for the complainant has opposed the present petition and submits that Trial Court has seen the petitioner and she has no difficulty in appearing in the court.

7. The fact remains that the case is going on for further cross examination of PW-2, therefore, I direct the Trial Court to grant exemption from personal appearance to the petitioner except only when she is personally required to appear in court.

8. In view of above direction, the petition is disposed of.

9. Pending application stands disposed of.

(SURESH KUMAR KAIT)
JUDGE

JANUARY 29, 2020
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