

128

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.20513 of 2019 (O&M)

Date of decision: 23.08.2021

Star Agri Warehousing and Collateral Management Limited and another

....Petitioners

Versus

Central Bureau of Investigation

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Dr. Anmol Rattan Sidhu, Sr. Advocate
with Mr. Pratham Sethi, Advocate
for the petitioner.

Mr. Rajeev Anand, Advocate
for the respondent – CBI.

ARVIND SINGH SANGWAN J. (Oral)

After arguing the matter at length, learned senior counsel for the petitioner submits that he may be permitted to withdraw the main petition with liberty to the petitioner to raise all the available pleas/defences during the trial, when the charges are to be framed.

Considering the fact that challan was presented way back in the year 2018, and still the charges have not been framed, the trial Court is directed to take up the issue regarding framing of the charge within a period of 02 months from today.

Learned senior counsel for the petitioner, at this stage, has further submitted that the petitioner – Amith Aggarwal is based at Mumbai and he has to attend the Court proceedings on each and every date of hearing at Chandigarh and, therefore, he may be granted exemption from personal appearance as per provisions of Section 205 read with Section 317 of Cr.P.C.

Be whatsoever, it will be open for the petitioner to apply for exemption before the trial Court on the dates where the actual presence of the petitioner is not required and pray that he may be granted liberty to appear through his counsel subject to the following

CASE HEARD THROUGH VIDEO CONFERENCING

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 an accused;*
- iii. he shall have no objection if the prosecution evidence is recorded in his absence but in the presence of his counsel and if his counsel fail to appear, the trial Court will cancel the exemption;*
- iv. he shall appear before the trial Court as and when required by the trial Court and as per any 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 direct the petitioner to appear before the trial Court on any substantive date when his personal appearance is required.

In case, such application is moved, the trial Court will also decide the same within a period of 02 months from today without being influenced by any observation in this order.

The petition is accordingly, ordered to be dismissed as withdrawn with liberty aforesaid.

(ARVIND SINGH SANGWAN)
JUDGE

23.08.2021
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No