

121

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

CRM-M-45563-2021

Date of decision : 12.11.2021

Munish Pathak

...Petitioner

Versus

M/s Shiv Shakti Trading Company and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Vipul Aggarwal, Advocate for the petitioner.

Mr. N.K. Banka, DAG, Punjab.

VIKAS BAHL, J. (ORAL)

This is a petition filed under Section 482 of Cr.P.C. for quashing of the private complaint instituted on dated 18.11.2019 bearing No.NACT/5553/2019 titled as M/s Shiv Shakti Trading Company and another Vs. M/s Aditi International and others, under Section 138 of the Negotiable Instruments Act, 1881 (Annexure P-1) and the impugned order dated 17.03.2020 (Annexure P-7) passed by the Judicial Magistrate Ist Class, Jalandhar and all the subsequent proceedings arising therefrom.

After arguing for sometime, learned counsel for the petitioner seeks permission of this Court to withdraw the present petition with liberty to take up all the points as raised in the present petition during the course of trial before the trial Court. He further submits that the petitioner is 50 years

of age and is also suffering from various health problems like High B.P., Hypertension etc. and thus, prays that the personal appearance of the petitioner before the trial Court, in the present case, be exempted.

In view of the abovesaid, the present petition is dismissed as withdrawn with liberty aforesaid. However, keeping in view the age and the medical condition of the petitioner, the personal appearance of the petitioner before the trial Court is exempted, subject to the following conditions:-

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

12.11.2021
Pawan

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned:- **Yes/No**

Whether reportable:- **Yes/No**