

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(115)

CRM-M-6548-2022

Date of decision: - 15.02.2022

Urmil Arora

....Petitioner

Versus

M/s Winsome Textile Industries Limited

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Jagdeep Singh Rana, Advocate, for the petitioner.

VIKAS BAHL, J. (ORAL)

The present petition has been filed under Section 482 Cr.P.C. for quashing of the complaint case No.NACT/7485 of 2019 (Annexure P-1) as well as summoning order dated 25.11.2021 (Annexure P-2), vide which the petitioner along with other accused have been summoned to face proceedings under Section 138 of the Negotiable Instruments Act and all the consequential 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 the petitioner to take up all the points as raised in the present petition and available to her, at the relevant stage before the trial Court.

In view of the above, the present petition is dismissed as withdrawn with liberty aforesaid.

Learned counsel for the petitioner has prayed that the petitioner be granted exemption from personal appearance, inasmuch as,

the petitioner is stated to be 60 years of age and is a resident of Gurugram, whereas, a complaint was filed in Chandigarh and there are three other accused in the matter, who are following up the case. It is also submitted that the petitioner is not the signatory to the cheque and after issuance of the cheque, he had also resigned on 15.04.2019.

Keeping in view the abovesaid prayer made and in view of facts as stated by the learned counsel for the petitioner that the petitioner is an old lady of 60 years of age and is resident of Gurugram, whereas, the proceedings are pending in Chandigarh and there are other accused persons in addition to the present petitioner, who are following up the case before the trial Court and also the fact that the cheque has not been signed by the petitioner and the petitioner has been stated to have resigned after the issuance of the said cheque on 15.04.2019, thus, the personal appearance of the petitioner before the trial Court is exempted, subject to the following conditions:-

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

February 15, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes
No