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

CRM-M-45450-2022 (O&M)

Date of decision : 06.12.2022

Ram Kishan Dua

...Petitioner

Versus

M/s Suraj Ram Chand Singh and another

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Ajay Kumar Gupta, Advocate for the petitioner.

VIKAS BAHL, J. (ORAL)

This is a petition filed under Section 482 of Cr.P.C. for quashing of criminal complaint arising out of Complaint Case No.NACT/21/2016, titled as M/s Suraj Ram Chand Singh Vs. M/s Harmilap Agro. Indus. Pvt. Ltd., under Sections 138, 142 of the Negotiable Instruments Act, 1881 and all the subsequent proceedings as well as orders passed.

Learned counsel for the petitioner has submitted that the entire prosecution evidence have been led thus, he 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 him, 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withdrawn with liberty aforesaid.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 further made a prayer that petitioner is a 55 year old man who is residing at Pehowa, District Kaithal, whereas the proceedings are going on at Ellenabad, District Sirsa and thus, prays that his personal appearance before the trial Court may kindly be exempted.

Keeping in view the abovesaid facts as stated by learned counsel for 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 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 counsel and will never raise a plea either before the trial Court or in appeals/revisions etc. that the prosecution evidence has been recorded in his absence or the proceedings have been conducted in his absence;
- 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.

All the pending miscellaneous applications, if any, shall stand disposed of in view of the abovesaid order.

06.12.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No