

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

134

CRM-M-60586 of 2022
Date of decision:23.12.2022

Sudhir Gautam and others

... Petitioners

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Sumeet Jain, Advocate
for the petitioners.

SUVIR SEHGAL, J. (Oral)

Instant petition has been filed under Section 482 Cr.P.C., for issuance of directions to the Trial Court to conclude the trial in case FIR No.128 dated 03.11.2018 registered under Sections 498-A, 406 of Indian Penal Code, 1860 and Section 12 of the Protection of Women from Domestic Violence Act, 2005 at Police Station Division-2, Pathankot (Annexure P-1) in a time bound manner and for quashing of order dated 10.10.2022 (Annexure P-5) to the extent the application for permanent exemption of petitioners No.1 and 2 has been dismissed.

Although two fold prayer has been made in the petition, but after having argued for sometime, counsel for the petitioners submits that he gives up the first prayer.

Insofar as second prayer is concerned, counsel for the petitioners submits that an application was moved before the Trial Court seeking permanent exemption from personal appearance on behalf of

petitioners No.1 to 3, but the same was partly allowed, vide order dated 10.10.2022 (Annexure P-5) and the personal appearance of petitioner No.3 was exempted. Counsel submits that petitioners No.1 and 2 are the parents-in-law of the complainant, both of them are of an advanced age and are residing at New Delhi, whereas, trial is pending at Pathankot. He submits that they have been attending the Court proceedings for the last more than four years, most of the material witnesses have been examined and therefore, their personal appearance may be exempted as they have to travel 550 kms (approx.) to be personally present before the Court.

Request of counsel has been considered.

Considering the submissions made by the counsel, personal appearance of petitioners No.1 and 2 is exempted subject to the following conditions:-

- (i) That the counsel for the petitioners will keep on appearing in the Court on each and every date of hearing.
- (ii) That the counsel for the petitioners will give undertaking before the Court about the instructions of the petitioners to cross-examine the witnesses in their absence.
- (iii) That the petitioners will not dispute the identity of the witnesses examined in their absence.
- (iv) That the petitioners will give undertaking in the Court that they will put in appearance as and when required by the Trial Court.

Trial Court may impose any other condition it deems appropriate. Insofar as petitioner No.4 is concerned, liberty is granted to him to approach the Trial Court for seeking exemption from personal appearance. Impugned order is modified accordingly.

Petition is disposed of.

December 23, 2022

savita

(SUVIR SEHGAL)
JUDGE

<i>Whether Speaking/Reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>Yes/No</i>