

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

117-3

CRM-M-4405-2023
Date of Decision: 30.01.2023

Dara Kotesch
Versus
.....Petitioner

Central Bureau of Investigation
.....Respondent

CORAM:HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Tek Tejinder Pal Singh, Advocate
for the petitioner.

Ms. Shubhra Singh, Standing counsel for CBI.

ANOOP CHITKARA, J.

The limited prayer for which the petitioner, who is resident of Telangana, has come up before this Court to seek exemption from personal appearance before the trial Court on the ground that he is resident of Andhra Pradesh and he is unable to attend trial Court on each and every date because distance is so long and he has to spend a lot of money on every date.

Counsel for the CBI submits that the petitioner can take advantage of such order and will try to delay the trial.

At this stage, counsel for the petitioner submits that he would not claim any prejudice in case witnesses are examined in his absence or proceeding recorded in his counsel presence.

Given the statement of counsel for the petitioner, on this ground alone, the present petition is allowed. The petitioner is exempted from personal appearance before the trial Court and is permitted to appear through counsel on all dates except at the time of recording of statement under Section 313 CrPC, for his evidence in defence if he wants to appear and at the time of pronouncement of final judgment. It is clarified that the petitioner-accused shall not claim any prejudice in this regard in any Court. It is further clarified that the petitioner shall not take any adjournment before the trial Court except of exceptional circumstances.

Pending applications, if any, stand disposed of.

**(ANOOP CHITKARA)
JUDGE**

30.01.2023
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Whether speaking/reasoned	Yes/no
Whether reportable?	Yes/no