

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-8051-2023
Date of Decision:February 16, 2023

Sawala Naresh KumarPetitioner(s)

Vs.

Central Bureau of InvestigationRespondent(s)

CORAM:HON'BLE MR.JUSTICE ANOOP CHITKARA

Present: Mr.Deepak K. Bartia, Advocate for
Mr. Gautam Diwan, Advocate
for the petitioner(s)

Mr. Nitin Kumar Sharma, Advocate for
Ms. Shubhra Singh, Standing Counsel for CBI.

ANOOP CHITKARA J. (ORAL)

The limited prayer for which the petitioner has come up before this Court to seek exemption from personal appearance before the trial Court on the ground that he is resident of District Kurnool, Andhar 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.

The nature of the order this Court proposes to pass, no notice is required to be issued to the respondent-CBI because no prejudice is likely to cause to anybody.

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

February 16, 2023
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Whether speaking/reasoned: Yes/No
Whether reportable: No