

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

CRM-M-11531-2017 (O&M)
Date of Decision: 30.05.2023

SURESH SUBRAMANIAN AND OTHERS ...Petitioners

Versus

M/S J.B. COTFAB MUKTSAR ROAD, KOTKAPURA ...Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. Abhinav Sood, Advocate
for the petitioners.

Mr. Shiv Kumar Sharma, Advocate
for the respondent.

HARSH BUNGER, J. (ORAL)

Prayer in this petition filed under Section 482 of the Code of Criminal Procedure, is for quashing of impugned Criminal Complaint No.0000404 dated 14.08.2015 titled as *M/s J.B. CotfabKotkapura Vs. GPI Textiles Ltd. & others* (Annexure P-4), pending before the Court of learned Judicial Magistrate Ist Class, Faridkot, along with all subsequent proceedings, as also the impugned summoning order dated 18.11.2015 (Annexure P-5) and the impugned order dated 21.02.2017 (Annexure P-7), passed by learned Additional Sessions Judge, Faridkot whereby the revision petition of the petitioners was also dismissed.

2. At the outset, learned counsel for the petitioners submits that he may be permitted to withdraw this petition with liberty to raise all pleas, as raised in the present petition, before the trial Court at the appropriate stage. Learned counsel for the petitioners further submits that petitioner No.1 is around 63 years of age and petitioner No.2 is around 75 years of

age and both of them are residents of Mumbai; accordingly, their personal appearance before the trial Court may be exempted.

3. In view of the aforesaid submissions made by learned counsel for the petitioners, **the present petition is dismissed as withdrawn.** Keeping in view the age of petitioners No.1 and 2 and also the fact that they both are residents of Mumbai, it is directed that upon an application being filed by them seeking exemption from personal appearance before the trial Court along with an undertaking by their counsel to appear on their behalf in the Court on each and every date of hearing, the personal appearance of petitioners No.1 and 2 be exempted, imposing any term and condition found proper and suitable, including the following conditions :-

(i) that petitioners No.1 and 2 will be represented by their counsel.

(ii) that the petitioners will not dispute their identity as accused;

(iii) that the petitioners will have no objection, if the prosecution evidence is recorded in their absence but in presence of their counsel, which shall be binding upon them;

(iv) that the petitioners will not delay/stall the proceedings of the trial Court;

(v) that the petitioners will appear before the trial Court in person when their appearance before the said Court is found to be necessary for the purpose of proceeding further in the trial.

4. It is made clear that the petitioners would be bound by the undertaking and such conditions as may be imposed by the trial Court. In case, the petitioners No.1 and 2 violate the terms and conditions of the undertaking or any such other terms and conditions, as may be imposed by

the trial Court, the trial Court shall be at liberty to proceed against petitioners No.1 and 2, in accordance with law.

- 5. Present petition is disposed of in the above-said terms.
- 6. All pending application/if any, shall stand closed.

May 30th, 2023
gurpreet

(HARSH BUNGER)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No