

Mohan Ji Saxena and Another Petitioners
Versus
State of Haryana Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Sumeet Goel, Sr.Advocate with
Mr. Samir Rathor, Advocate for the petitioners.

Mr. Rajat Gautam, DAG, Haryana.

Anoop Chitkara, J. (Oral)

The prayer for which the petitioners have come up before this Court is for setting aside the impugned order dated 01.10.2011 passed by learned Chief Judicial Magistrate, Kurukshetra whereby charges under Section 7 of the Essential Commodities Act, 1955 against the petitioners, have been framed.

State counsel opposes the prayer made by counsel for the petitioners, on the ground that out of 13 witnesses, 7 already stand examined.

Given above, the petitioners’ counsel cannot dispute the factual position.

Petitioner counsel further submits that in case the Court is not inclined to set aside the order, in that case, petitioners’ presence be exempted and they be permitted to appear through the counsel and they shall not claim any prejudice in this regard.

Given above, the present petition is disposed of with clarification that the petitioner shall be permitted to appear through the counsel and they shall not claim any prejudice in this regard, however, they shall appear at the time of recording of statement under Section 313 CrPC, for their evidence in defence if they want or at the time in case their identification is required by any prosecution witness and also at the time of final hearing in case the trial Court so directs. Petitioner(s) is also permitted to raise all points raised in this petition at the time of final arguments and trial Court advert to all these points.

This exemption is subject to the clarification that the petitioner shall not seek an adjournment.

All pending miscellaneous applications, if any, stand disposed of.

27th February, 2023
Sonia Puri

(ANOOP CHITKARA)
JUDGE

Whether Speaking/Reasoned Yes/No
Whether Reportable Yes/No