IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M No.36283 of 2023
Date of Decision:30.11.2023

M/s Shivam Paints Industries ... Petitioner

Versus

M/s Naxons Enterprises ... Respondent

CORAM : HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Rahul Rampal, Advocate
for the petitioner.

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HARPREET SINGH BRAR, J. (ORAL)

1. The present petition has been filed under Section 482 Cr.P.C. praying for quashing of complaint No.NACT/37 of 2022 titled as *Naxon Enterprises Vs. Shivam Paints Industries* (Annexure P-1) filed under Section 138 of the Negotiable Instruments Act and summoning order dated 16.08.2022 (Annexure P-2) vide which the petitioner has been summoned under Section 138 of the Negotiable Instruments Act.

2. After arguing for some time, learned counsel appearing for the petitioner seeks to withdraw the instant petition, however, seeks indulgence of this Court to the extent that exemption from personal appearance before the learned trial Court may be granted to the petitioner on the ground that he is resident of Ludhiana and the case is going on at Phagwara and therefore, appearance of the petitioner before the trial Court would hamper his livelihood and cause inconvenience.

3. The instant petition is dismissed as withdrawn. However, in view of the ratio laid down by this Court in CRM-M No.25963 of 2023 titled as ***Suresh Kumar and another Vs. The State of Haryana and another 2023 (2) Law***

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Herald 1498, the personal appearance of the petitioner before the learned trial Court is ordered to be exempted, subject to the following conditions:-

i). Petitioner shall be represented through his counsel;

ii). shall not delay/stall the trial proceedings;

iii). shall not dispute their identity as accused;

iv). shall have no objection if the prosecution evidence is recorded in their absence but in the presence of his counsel;

v). shall appear before the trial Court as and when required; and

vi). any other condition, which the trial Court may impose.

(HARPREET SINGH BRAR)
JUDGE

November 30, 2023
Pankaj*

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

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