

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

264

CRM-M-39640-2019 (O&M)

Date of Decision: 21.03.2023

Renu

....Petitioner

Versus

State of Haryana and others

....Respondents

CORAM:HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Petitioner-in person.

Mr. Amit Aggarwal, DAG, Haryana.

Mr. Ankur Lal, Advocate for respondents No.2 & 4.

ANOOP CHITKARA, J.

The limited ground for which the complainant (petitioner herein) has come up before this Court is to quash the order dated 08.08.2018, passed by the learned Additional Sessions Judge, Kaithal, vide which the Criminal Revision No.CRR-06-2018 titled as Renu vs. Tehal Singth etc., was dismissed in default due to non-appearance.

Counsel for the accused (respondents No.2 & 4) has no objection if the impugned order is set aside and revision is restored. Petitioner submits that she has no objection if this Court grants permanent exemption from appearance to the accused.

Considering the statement made by the petitioner as well as on behalf of respondents No.2 & 4, I am of the considered opinion that impugned judgment cannot sustain.

Given above, impugned judgment dated 08.08.2018 (Annexure P-7) is quashed and set aside and the parties are directed to appear before

the concerned trial Court on 29.03.2023 and they are permitted to raise all the points at the time of final hearing. In case of any adverse order against the respondent, when they are summoned to face trial, the trial Court shall not insist upon their personal presence and they be exempted from personal appearance before the trial Court and are permitted to appear through counsel except on the dates when their presence is required for identification purposes and at the time of recording of statement under Section 313 CrPC, in case stage arises and at the time of pronouncement of final judgment. It is clarified that the accused shall not claim any prejudice in this regard in any Court. It is further clarified that the accused shall not take any adjournment before the trial Court except for exceptional circumstances.

Petition is allowed to the extent mentioned above. Pending applications, if any, stand disposed of. The Appellate Court is requested to expedite the hearing.

(ANOOP CHITKARA)
JUDGE

21.03.2023

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Whether speaking/reasoned
Whether reportable?

Yes/no
Yes/no