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

CRM-M-53726-2023

Date of Decision: 20.10.2023

Sushanta Kr. Ghosh

..... Petitioner

Versus

M/s Alto Healthcare Pvt. Ltd.

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Kunwar Rajan, Advocate
for the petitioner.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present petition has been filed under Section 482 read with Section 483 of the Code of Criminal Procedure praying for setting aside the criminal complaint and the summoning order vide which the petitioner has been summoned to face trial for an offence under Section 138 of the N.I. Act.

2. After arguing for some time, learned counsel for the petitioner has stated that he will not press the prayer for quashing of the complaint and the summoning order but his alternate prayer may be considered. He further submitted that the petitioner, who is the accused in the complaint under Section 138 of the N.I. Act, is suffering from Kidney problems and also underwent dialysis and is resident of West Bengal whereas the complaint has been preferred at Gurugram. He also submitted that his limited prayer may be considered to the extent that in case an application is filed seeking exemption from personal appearance before the trial Court then the same

may be considered by the learned trial Court sympathetically and on humanitarian ground taking into consideration the medical condition of the petitioner and in accordance with law.

3. After hearing the learned counsel for the petitioner and considering the limited prayer now made by him that in case he files an application before learned trial Court for grant of exemption from personal appearance the same may be considered, this Court is of the view that considering the medical report attached with the present petition especially Annexure P-9 which is a dialysis report, it is directed that in case the petitioner files any application for grant of exemption from personal appearance on medical ground then the trial Court shall consider the same by taking into consideration the health record and current medical condition of the petitioner in accordance with law and in case such an application is filed, then the same shall be disposed of as expeditiously as possible.

4. Disposed of.

20.10.2023

Bhumika

(JASGURPREET SINGH PURI)
JUDGE

1. Whether speaking/reasoned:	Yes/No
2. Whether reportable:	Yes/No