

CRM-M-56373-2023
Date of decision: 08.11.2023

M/s Shivam Paints IndustriesPetitioner

Versus

M/s Naxons Enterprises ...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

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

HARPREET SINGH BRAR, J. (ORAL)

Learned counsel for the petitioner wishes to withdraw the present petition with liberty to raise all the pleas amplified in the present petition before the learned trial Court at an appropriate stage and he confines his prayer to the extent of seeking exemption of the petitioner from personal appearance before the learned trial Court.

The instant petition is dismissed as withdrawn. However, in view of the ratio laid down by this court in CRM-M-25963-2023 titled as 'Suresh Kumar and another Vs. The State of Haryana and another' 2023 (2) Law 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;

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- 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

08.11.2023
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No