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

**CRM-M-60769-2022 (O&M)
Decided on:-05.01.2023**

Dharmendra M Gada

....Petitioner..

vs.

State of Haryana and another

....Respondents.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Saurabh Dalal, Advocate,
for the petitioner.

HARKESH MANUJA J. (Oral)

The present petition has been filed under Section 482 Cr.P.C. for suspension of sentence and for quashing of impugned order dated 31.10.2022 passed by learned ASJ, Gurugram in Case No. CRA/205/2022 titled as “M/s Jinaam Fashion World and another vs. Ms. Komilla Kumar”.

The nature of order this Court proposes to pass, no prejudice is going to be caused to the respondents, as such, no notice is required to be issued to the respondents.

Vide order dated 31.10.2022, the Appellate Court did not extend the sentence already suspended by the trial Court for the reasons that the petitioner did not appear before it.

Learned counsel for the petitioner submits that the petitioner could not appear on 31.10.2022 and filed an application for exemption but the same was rejected and the learned Additional Sessions Judge, Gurugram did not suspend the sentence of the petitioner.

Given above, the present petition is allowed and impugned order dated 31.10.2022 is set aside subject to the condition that the petitioner will appear before the concerned Court on or before 10.01.2023 on which date, he shall also file an application for suspension of sentence and in case, he complies with the condition of such application, the sentence shall be suspended, subject to deposit of compensation/fine to the satisfaction of concerned Court. He will also comply with the condition of earlier order also.

It is clarified that the petitioner shall deposit a sum of Rs.15,000/- by the above-mentioned date, in the following account and hand over its receipt to the trial court.

Account Name – Punjab and Haryana High Court Bar
Association Lawyer's Family Welfare Fund
Account No.-41564846387
Bank Name- SBI High Court Branch

It is further clarified that no further extension shall be granted to the petitioner. Hearing be expedited.

05.01.2023
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(HARKESH MANUJA)
JUDGE

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