

CRM-M-8740-2024
Date of decision: 13.03.2024

Surender SinghPetitioner

Versus

Axis Bank Ltd. and another ...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Bikram Chaudhary, Advocate
for the petitioner.

HARPREET SINGH BRAR, J. (ORAL)

The present petition has been filed under Section 482 Cr.P.C. seeking quashing of complaint bearing No.2771 of 2021 dated 06.08.2021 titled as 'Axis Bank Ltd. Vs. Baljit and another' under Section 138 of the Negotiable Instruments Act, 1881 (Annexure P-1) and the subsequent proceedings initiated thereupon.

Mr. Rahul Garg, Advocate puts in appearance on behalf of respondents No.1 & 2 and files his power of attorney which is taken on record.

Learned counsel for the petitioner wishes to withdraw the present petition with liberty to raise all the pleas taken in the present petition before the learned trial Court at appropriate stage. However, he confines his prayer to the extent of seeking exemption of the petitioner from personal appearance before the learned trial Court as the petitioner is agriculturalist in the district of Haryana and his trial is progressing at Patiala, therefore, attending trial on each and every date would cause great hardship and inconvenience to him as well as affect his livelihood.

The instant petition is dismissed as withdrawn with the liberty aforesaid. 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 his identity as accused;
- iv) shall have no objection if the prosecution evidence is recorded in his 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

13.03.2024

Neha

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