

CRM-M-7386-2024
Date of decision: 11.03.2024

Baldev SinghPetitioner

Versus

Manjit Singh and others ...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Amit K. Saini, Advocate
for the petitioner.

HARPREET SINGH BRAR, J. (ORAL)

The present petition has been filed under Section 482 Cr.P.C. seeking quashing/setting aside of impugned order dated 12.09.2023 (Annexure P-7) passed in complaint No. COMA/4783 of 2020 titled as 'Manjit Singh Vs. M/s The Dangon Cooperative Agriculture Service Society Ltd. and others' (Annexure P-1), whereby, an application filed by the petitioner/accused for permission to compound the offence, has been dismissed.

At the very outset, learned counsel for the petitioner submits that the order passed by the Executing Court (Annexure P-9) vide which a categorical finding was returned that respondent No.1 has already received an amount of Rs.17,10,000/- out of the cheque amount of Rs.20 lakhs and he is only entitled to recover Rs.3,23,418/- and he was directed to refund the excess amount of Rs.13,86,582/- within a period of four weeks from the date of the order. The aforementioned order passed by the Executing Court was challenged by respondent No.1 before this Court by filing CR-380-2024 titled as 'Manjeet Singh Vs. The Dagon Multipurpose Agriculture Cooperative Society Limited'

and this Court vide order dated 13.02.2024 has upheld the order passed by the Executing Court, as such, the finding with regard to the excess payment has become final.

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 a senior citizen and attending trial on each and every date would cause great hardship and inconvenience to him.

The instant petition is dismissed as withdrawn with the liberty aforesaid.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

11.03.2024
Neha

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