

CRM-M-10011-2024
Date of decision: 26.02.2024

Anand Singh Mann and anotherPetitioners

Versus

State of Haryana and another ...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Dr. Pankaj Nanhera, Advocate
for the petitioners.

Ms. Geeta Sharma, DAG, Haryana.

HARPREET SINGH BRAR, J. (ORAL)

The present petition has been filed under Section 482 Cr.P.C. seeking quashing of complaint No. NACT/3859/2021 dated 21.12.2021 (Annexure P-1) and the summoning order dated 21.12.2021 (Annexure P-2) in above said complaint under Section 138 of the Negotiable Instruments Act, 1881, passed by the learned Judicial Magistrate 1st Class.

Learned counsel for the petitioners, at the very outset, wishes to withdraw the present petition with liberty to raise all the pleas taken in the present petition at the appropriate stage during the course of trial. However, he confines his prayer to the extent of seeking exemption of the petitioners from personal appearance before the learned trial Court as petitioner No.1 is 92 years of age and petitioner No.2 is 88 years of age and attending trial on each and every date would cause great inconvenience to them.

The instant petition is dismissed as withdrawn.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 petitioners before the learned trial Court is ordered to be exempted permanently, subject to the following conditions:-

- i) petitioners shall be represented through their 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 their 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

26.02.2024
Neha

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