

106

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

CRR-728-2024

Date of decision: 16.04.2024

Kismati Khatun and others

....Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Anureet S. Sidhu, Advocate
for the petitioners.

Mr. Subhash Godara, Addl.A.G., Punjab.

HARPREET SINGH BRAR, J. (ORAL)

The present revision petition has been filed seeking quashing of impugned order dated 05.01.2024 passed by the learned Additional Sessions Judge, Patiala in case titled as 'State of Punjab Vs. Kismati Khatoon and others' in FIR No.0016 dated 13.04.2023 under Sections 306/34 of IPC registered at Police Station GRP Patiala, District Govt. Rly. Police.

Learned counsel for the petitioners submits that petitioner No.1 is a household lady and she along with her both sons, has been implicated in the present case being a relative of the main accused.

Learned counsel for the petitioners 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 petitioners from personal appearance before the learned trial Court as attending trial on each and every date would cause

great hardship and inconvenience to them as well as affect their 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The instant petition is dismissed as withdrawn with the liberty aforesaid.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 petitioners before the learned trial Court is ordered to be exempted, 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.

At this stage, Mr. Maneesh Bali, Advocate puts in appearance on behalf of the complainant and files his memorandum of appearance which is taken on record.

(HARPREET SINGH BRAR)
JUDGE

16.04.2024

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