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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-59375-2024 (O&M)
Date of decision: 27.11.2024

Vidya Devi and others

... Petitioners

Vs.

Pinki

... Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Divyam Singh, Advocate
for the petitioners.

HARPREET SINGH BRAR, J. (ORAL)

1. Present petition has been filed under Section 447 of Bharatiya
Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') read with Section 528 of
BNSS for transfer of case bearing No.DV Act/60/2024 dated 30.09.2024, titled
as '*Pinki Vs. Vidya Devi and others*', filed under Section 12 read with Sections,
17, 18, 19, 21, 22 & 23 of Protection of Women from Domestic Violence Act,
2005, pending in the Court of learned Judicial Magistrate 1st Class,
Bahadurgarh, District Jhajjar to any other Court of competent jurisdiction at
Panipat.
2. Learned counsel for the petitioners wishes to withdraw the present
petition and seeks liberty to raise all the pleas taken in the present petition



before learned trial Court at the appropriate stage. However, he confines his prayer to the extent that petitioner No.1 is 71 years of age, petitioner No.2 is 68 years of age and petitioner No.3 is a household lady and they are residents of District Panipat, therefore, attending trial on each and every date would cause great inconvenience and hardship to them and prays that personal appearance of the petitioners before learned trial Court may be exempted.

3. In view of the above, instant petition is dismissed as withdrawn with the liberty aforesaid.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***, personal appearance of the petitioners before learned trial Court is ordered to be exempted, subject to the following conditions:-

- i) they will be represented through their counsel;*
- ii) will not delay/stall the trial proceedings;*
- iii) will not dispute their identity as accused;*
- iv) will have no objection if the prosecution evidence is recorded in their absence but in the presence of their counsel;*
- v) will appear before the trial Court as and when required; and*
- vi) any other condition, which the trial Court may impose.*

27.11.2024

vishnu

[HARPREET SINGH BRAR]
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No