



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

CRM-M-8207-2025
Date of decision: 15.02.2025

NITESH MOTILAL GANGARAMANI

...PETITIONER

V/S

M/S RMC READY MIX AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Bhupinder Ghai, Advocate
 for the petitioner.

HARPREET SINGH BRAR, J. (ORAL)

1. Present petition has been filed under Section 528 BNSS, 2023 seeking quashing of the impugned order dated 22.01.2025 passed by learned Judicial Magistrate Ist Class, Gurugram (Annexure P-10) in complaint bearing No.NACT/22122/2018 dated 08.06.2018 titled as '*M/s RMC Ready Mix vs. Alfaraa Infra Projects Pvt. Ltd.*', whereby discharge application qua the petitioner was dismissed.

2. Learned counsel for the petitioner wishes to withdraw the present petition and seeks liberty to raise all the pleas taken in the present petition, at the appropriate stage, during the course of trial and confines his prayer to the extent that petitioner is resident of Mumbai and the trial of the case is progressing at District Gurugram and attending the trial on each and every date would cause great inconvenience and hardship to him on account of long distance travel from Mumbai to Gurugram.



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3. The instant petition is dismissed as withdrawn with the liberty as prayed for. 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.

February 15, 2025
manisha

(HARPREET SINGH BRAR)
JUDGE

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|------|---------------------------|--------|
| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |