



CRR-605-2025

-1-

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

114

CRR-605-2025

Date of decision : 05.03.2025

Rachna Bhojwani

..... Petitioner

V/S

State of Haryana and Anr.

..... Respondents

CORAM : HON'BLE MS. JUSTICE AMARJOT BHATTI

Present: Mr. Animesh Sharma, Advocate for petitioner.

Ms. Ambika Sood, Addl. A.G., Haryana.

AMARJOT BHATTI J. (ORAL)

1. Petitioner- Rachna Bhojwani has filed instant revision petition against impugned order dated 15.02.2025 vide which her application seeking exemption of personal appearance was declined and the evidence of prosecution was closed by order.

Learned counsel for petitioner argued that on account of matrimonial dispute number of cases are going on which are being pursued by the petitioner and on account of unavoidable circumstances, petitioner could not appear before learned trial Court on 15.02.2025. Despite filing application seeking exemption from personal appearance, said application was declined and the evidence was closed by order. It is pointed out that present petitioner is the main witness in the said trial. Recording of her testimony is material for final adjudication of the case. It is submitted that petitioner may be given one opportunity to appear before the learned trial Court so that her statement is recorded in the said trial.

**CRR-605-2025****-2-**

2. On the other hand, on advance notice, Ms. Ambika Sood, Addl. A.G., Haryana appeared on behalf of State. She opposed the present revision petition on the ground that petitioner deliberately did not appear before the learned trial Court despite availing numerous opportunities and ultimately, learned Judicial Magistrate closed the evidence by order. It is further pointed out that statement of the accused under Section 313 Cr.P.C. has been recorded and now case is pending for 18.03.2025 for defence evidence if any and for arguments.

3. I have considered the arguments and have gone through the record. Relevant documents are already annexed with the present case. Therefore, no purpose would be served by issuing notice to respondent No.2. It is matter of record that respondent No.2 is facing trial in FIR No.505 dated 02.08.2013, under Sections 498-A, 406, 506, 323, 34 of IPC, registered at Police Station Gurgaon Sadar, District Gurgaon (Annexure P-1). Record indicates that challan was presented long time back in the year 2014 and the trial is going on for the last about ten years. Impugned order dated 15.02.2025 further shows that learned Judicial Magistrate adjourned the case number of times for recording the statement of present petitioner but she did not appear despite given opportunities and finally the evidence of prosecution was closed by order by passing impugned order dated 15.02.2025.

4. Considering the facts detailed in the impugned order, it cannot be said that the order was passed without justification. At the same time, it cannot be ignored that present petitioner is the prime witness whose statement is material for final adjudication of the case. Therefore, considering the matter in controversy, impugned order dated 15.02.2025 is set aside and petitioner is given one opportunity to appear before learned trial Court for recording of her

**CRR-605-2025****-3-**

statement as per the convenience of learned trial Court subject to deposit of cost of Rs.20,000/- with District Legal Services Authority, Gurugram.

5. Revision petition is accordingly accepted with aforesaid direction.

6. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

(AMARJOT BHATTI)
JUDGE

05.03.2025.*Sunil Devi*

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No