



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

127

CRM-M-10675-2025 (O&M)

Date of decision: 27.02.2025

Raj Kumar Banta @ Rajkumar Banta and another

....Petitioners

Versus

Subhash Raghav

....Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. S.K. Kaushik, Advocate
for the petitioners.

HARPREET SINGH BRAR J. (Oral)

Prayer in this 2nd petition filed under Section 482 Cr.P.C./Section 528 of BNSS, 2023, is for quashing of complaint No.NACT/404/2022, dated 29.07.2022, titled as “Subhash Raghav vs Rajkumar Banta and another”, filed under Section 138 of the Negotiable Instruments Act, 1881, and for quashing the summoning order dated 05.01.2023 (Annexure P-5), passed by learned Judicial Magistrate Ist Class, Sohna, District Gurugram, along with all other consequential proceedings arising therefrom.

The 1st petition filed by the petitioners, seeking the aforesaid relief, was dismissed as withdrawn on 30.01.2025, with liberty to file afresh petition with better particulars.

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 petitioner No.1 from personal appearance before the learned trial Court as he is 74 years of age and is attending trial on each and every date of hearing, which would cause great hardship and inconvenience to him.

The instant petition is dismissed as withdrawn with the liberty aforesaid.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 petitioner No.1, before the learned trial Court is ordered to be exempted, subject to the following conditions:-

- i. petitioner No.1 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.*

(HARPREET SINGH BRAR)
JUDGE

27.02.2025

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No