

**Vijay Chandra Vs State**

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**Court :** Delhi

**Decided On :** Jul-16-2010

**Judge :** Ms. Hima kohli, J.

**Acts :** Code Of Criminal Procedure (CRPC) - Sections 482 ; Indian Penai Code (IPC) - Sections 498-A, 406,34

**Appeal No. :** CRL. M.C. 2242/2010 and Cri.M.A. 8746-47/2010

**Appellant :** Vijay Chandra

**Respondent :** State

**Advocate for Def. :** Mr. M.N. Dudeja, Adv.

**Advocate for Pet/Ap. :** Mr. J.C. Gupta, Adv.

**Judgement :**

1. Whether Reporters of Local papers may be allowed to see the Judgment?
2. To be referred to the Reporter or not?
3. Whether the judgment should be reported in the Digest

**ORDER.(Oral)**

1. The present petition is filed by the petitioner under Section 482 Cr.P.C. IPC praying inter alia for grant of exemption from personal appearance for a period of

three months ending on 30.9.2010, in the trial court in respect of the case on the basis of FIR No.272/2006 lodged by Ms. Meenakshi Sharma, his sister-in-law, against his brother, mother and other members of the family, under Section 498-A/406/34 IPC, registered with PS Timarpur.

2. The petitioner is an employee with the Kumayun Mandal Vikas Nigam Ltd., Nainital, Uttarakhand and is the organizer-in-charge for conducting the pilgrimage to Kailash-Mansrovar and has been deputed by his employer to conduct and organize the yatra this year.

3. It is stated by the counsel for the petitioner that pursuant to the complaint lodged by his sister-in-law, Ms. Meenakshi Sharma on 11.6.2006, a charge sheet was filed by the police on 2.3.2010, wherein family members of the petitioner have been admitted to regular bail. Thereafter, an order for arresting the petitioner was issued. As a result, the petitioner was compelled to file an application for anticipatory bail before the Sessions Court, which was granted in his favour. It is the case of the petitioner that he has been appearing before trial court and has been granted regular bail on 5.3.2010. Thereafter, the matter was adjourned to 16.3.2010 and is now fixed for 20.7.2010.

4. It is stated that in the meantime, the petitioner filed an application before the trial court praying inter alia that he be exempted from personal appearance on 22.5.2010 as he was busy on official duty. However, on the said date, the trial court directed that the Managing Director, Tourism from Kumaon Mandal Vikas Nigam Ltd., Nainital, be summoned to explain as to why the petitioner was not permitted to attend the court when the case was listed on the aforesaid date. As a result, the exemption application of the petitioner from personal appearance was kept pending. The petitioner states that he is compelled to undertake an arduous journey of 27 hours from Dharchula to reach Delhi on each date. In view of the above, the petitioner has been compelled to file the present petition, seeking exemption from personal appearance before the trial court in the aforesaid proceedings upto 30.9.2010, till the duty assigned to him in respect of Kailash-Mansarovar Yatra is over.

5. Notice. Learned APP for the State accepts notice and states that in view of the genuine difficulty expressed by the petitioner, he does not seriously oppose the relief prayed for by the petitioner.

6. Having regard to the averments made in the present petition, particularly, in view of the difficulty expressed by the petitioner in the present petition pertaining to his organizing the Kailash-Mansarovar Yatra 2010, as per the directions of his employer, borne out by the order of the deputation dated 19.05.2010 placed on the record, the prayer made in the present petition is allowed. The petitioner is exempted from his personal appearance before the trial court, till 30.9.2010, whereafter he shall diligently appear before the aforesaid court, as and when a date is fixed.

7. The petition is disposed of along with the pending application. Dasti.

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