
(2021) 08 SHI CK 0048
In the High Court Of Himachal Pradesh
Case No : CR.MMO No. 361 Of 2021

Gautam Goel

APPELLANT

Vs

State Of Himachal Pradesh & Others

RESPONDENT

Date of Decision : 05-08-2021

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 482

Citation : (2021) 08 SHI CK 0048

Hon'ble Judges : Chander Bhusan Barowalia, J

Bench : Single Bench

Advocate : Akshay Singh, Amit Dhumal

Final Decision : Disposed Of

Judgement

Chander Bhusan Barowalia, J

1. The instant petition has been maintained by the petitioner under Section 482 Cr.P.C. for exempting him from personal appearance in the trial, which

is pending before the Court of learned Judicial Magistrate 1st Class Paonta Sahib, District Sirmaur, H.P., in case titled as State of H.P. vs. Gaurav

Goel and others, wherein the petitioner has been arrayed as accused No. 2 and the case is fixed for 24.09.2021.

2. Learned counsel for the petitioner submits that as the Court of Judicial Magistrate 1st Class, Paonta Sahib, is being manned by learned Judicial

Magistrate 2nd Class, he moved an application before the learned Additional Chief Judicial Magistrate, Paonta Sahib, but the same was dismissed for

want of jurisdiction. He has further argued that as the petitioner has to join his duties in Merchant Navy and there was paucity of time, he has moved

the instant petition under Section 482 Cr.P.C. He submits that the matter is of urgent nature and orders are required to be passed in a day or so,

otherwise the petitioner is likely to lose his job.

3. This Court finds that the exemption from appearance whether to be granted or not to an accused is to be considered by the Court having the

jurisdiction and as the Court is presided over by learned Judicial Magistrate 2nd Class, Paonta Sahib, in these peculiar circumstances of the case, the

jurisdiction can be exercised by the Court of learned Chief Judicial Magistrate, Nahan.

4. Learned Deputy Advocate General states that as per the information received by him, learned Chief Judicial Magistrate, Nahan, is likely to be there

from tomorrow onwards. Under these circumstances, at this stage, this Court deems it appropriate to direct Chief Judicial Magistrate, Nahan, to call

for the records of the case from Judicial Magistrate 2nd Class, Paonta Sahib, and try to dispose of the application for exemption moved by the

petitioner afresh after considering the material on record within a week from the date the petitioner produces the copy of this order alongwith the

application for exemption.

5. In view of the above, the petition is disposed of so also pending application(s), if any.

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