

**(2023) 02 P&H CK 0100**

**In the Punjab And Haryana At Chandigarh**

**Case No :** Criminal Miscellaneous Petition (M) No. 10047 Of 2022

Siva Prasad Anupojju And Another

APPELLANT

Vs

Central Bureau Of Investigation

RESPONDENT

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**Date of Decision :** 27-02-2023

**Acts Referred:**

Code Of Criminal Procedure, 1973 — Section 313

**Citation :** (2023) 02 P&H CK 0100

**Hon'ble Judges :** Anoop Chitkara, J

**Bench :** Single Bench

**Advocate :** Ranbir Singh Rawat, Nitin Kumar Sharma, Shubhra Singh

**Final Decision :** Disposed Of

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## **Judgement**

Anoop Chitkara, J

The limited prayer for which the petitioners have come up before this Court to seek exemption from personal appearance before the trial Court on the ground that they are resident of Andhra Pradesh and they are unable to attend trial Court on each and every date because distance is so long and they have to spend a lot of money on every date.

The nature of the order this Court proposes to pass, no notice is required to be issued to the respondent-CBI because no prejudice is likely to cause to anybody.

At this stage, counsel for the petitioners submits that they would not claim any prejudice in case witnesses are examined in their absence or proceeding recorded in their counsel presence.

Given the statement of counsel for the petitioners, on this ground alone, the present petition is allowed. The petitioners are exempted from personal appearance before the trial Court and are permitted to appear through counsel on all dates except at the time of recording of statement under Section 313 CrPC, for their evidence in defence if they want to appear and at the time of

pronouncement of final judgment. It is clarified that the petitioners-accused shall not claim any prejudice in this regard in any Court. It is further clarified that the petitioners shall not take any adjournment before the trial Court except of exceptional circumstances.

Pending applications, if any, stand disposed of.