



**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Criminal Misc(Pet.) No. 5715/2024

Ramandeep @ Rami S/o Jenrail Singh, Aged About 30 Years, R/o
Matana Police Station Sagatmandi, Dist. Bathinda, Punjab.
(Presently Lodged In Dist. Jail, Kapurthala Punjab)

-----Petitioner

Versus

State Of Rajasthan, Through PP

-----Respondent

For Petitioner(s) : Mr. Pankaj Kumar Gupta

For Respondent(s) : Mr. Vikram Rajpurohit, P.P.

HON'BLE MR. JUSTICE ARUN MONGA

Order(Oral)

27/08/2024

1. The instant petition is directed against an order dated 05.07.2024, passed by the learned Additional District and Sessions Judge, Sangariya, District Hanumangarh in Session Case No. 20/2014, whereby the petitioner's application for recording his testimony through video conferencing was rejected.

2. The brief facts of the case, as pleaded in the petition, are that the petitioner is lodged in District Jail, Kapurthala. The Punjab Police is required to bring him for trial in question before the learned trial court, Sangariya, District Hanumangarh. Due to the petitioner's old enmity with local gangsters, the police has to bring him each time under high security for his protection. Notwithstanding, the petitioner apprehends that there is a high risk of a sudden attack from members of enemy gangs or rival parties, even while under police custody and protection.



2.1 The petitioner filed an application before the learned trial court, requesting that he be allowed to attend the court proceedings, including the recording of witness statements, through video conferencing. However, the trial court rejected this request through its order dated 05.07.2024.

2.2 The petitioner is willing to participate in court proceedings via video conferencing whenever summoned by the learned trial court. Therefore, he seeks exemption from personal appearance.

3. Hence, this miscellaneous petition has been filed.

4. In this backdrop, I have heard the learned counsel for the petitioner and the learned Public Prosecutor.

5. After hearing both sides, I am of the view that while the petitioner's presence is often of a formal nature at hearings, the State bears the financial burden of transporting him from Kapurthala to Sangariya under adequate security. This exercise serves no practical purpose in most cases, except in cases where the identity of the accused is in dispute or his physical presence is essential for recording a particular statement. In such instances, the court can record the reasons in writing and issue the necessary orders for the physical appearance. For other hearings, proceedings can be conducted through video conferencing.

6. In light of the above, in the present case as well, it is deemed appropriate that the petitioner's physical presence be directed by learned trial Court only when it is necessary, by recording reasons. On other hearings he shall be allowed to join proceedings through video conferencing as per VC Rules framed by Rajasthan High Court.



7. Disposed of accordingly. Pending application(s), if any, also stand(s) disposed of.

(ARUN MONGA),J

104-AnilKC/-

Whether Fit for Reporting – Yes / No

