

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **Crl.M.C. No. 2735/2008**

% **DATE OF DECISION : 21st AUGUST, 2008**

GAURAV SINGHAL

..... Petitioner

Through: Mr. Ratnesh Bansal and
Mr. Tapan Choudhry, Advocates

versus

MUGDHA COSMETICS AND ANR.

....Respondents

Through: Mr. R.N. Vats, APP for the State.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

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| 1. Whether Reporters of local papers may be allowed to see the judgment? | No |
| 2. To be referred to the Reporter or not? | No |
| 3. Whether the judgment should be reported in the digest? | No |

J U D G M E N T

MANMOHAN, J: (ORAL)

1. The present petition has been filed seeking quashing of order dated 16th July, 2008 vide which Petitioner's application for preponement of hearing has been disallowed.

2. Learned Magistrate in the impugned order has observed as under:-

“Heard. I have gone through the contentions made in the application. There are huge pendency of cases under Section 138 NIA before this Court. The cause-list of Court remains very heavy. Today itself, there were 80 cases listed in the cause list. Earlier there was staff of seven members in this Court including two steno. Now, this Court is working only with a steno, one reader, one Ahlmad and one assistant. There is no possibility due to heavy pendency to prepone the present complaint case. Keeping in view the facts mentioned above, application for preponement is dismissed.

Be put up on the date fixed.”

3. Today the pendency of Section 138 NIA cases in the Trial Court is stated to be more than 5.5 lacs. The Trial Court is not only overburdened but its infrastructure is also limited as reflected in the Magistrate's order.

4. Consequently, no preponment of hearing is possible and the present petition is dismissed.

August 21, 2008

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MANMOHAN, J.