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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CRL.M.C. 3489/2010

KANTI SHARMA

..... Petitioner

Through : Mr. Randhir Jain with
Mr. Deepak Aggarwal, Advs.

versus

RUPA KUCHIPURI

..... Respondent

Through : None.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

O R D E R

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10.11.2010

1. The present petition is filed under Section 482 Cr.P.C. by the petitioner, who is aggrieved by an order dated 27.9.2010 passed by the learned Metropolitan Magistrate on a complaint preferred by her under Section 138 of the Negotiable Instruments Act, 1881, against the respondent, for dishonour of a cheque for Rs.25,00,000/-.

2. Counsel for the petitioner states that the respondent has been consistently absenting herself from the court and that despite strong opposition by the petitioner to the application filed on behalf of the respondent, seeking exemption from personal appearance, the learned M.M. has been granting exemption to her from time to time. He submits that except on one date, i.e., 12.4.2010, when the

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Signature Not Verified

Signing Date:06.08.2024 17:06:00
Certify that the digital and physical file have
been compared and the digital data is as per
the physical file and no page is missing.

respondent/accused appeared and was released on bail, she has not appeared on any date before the learned Metropolitan Magistrate and as a result, the matter is still pending at the stage of framing of notice.

3. Counsel for the petitioner submits that on the last occasion, i.e., on 27.9.2010, an exemption application was preferred on behalf of the respondent/ accused on the ground that she had taken admission in a university in USA for higher education and her semester would end in the third week of December, 2010 and thereafter she would be back in India and would be in a position to present herself before the court. Taking into consideration the aforesaid request, her exemption application was allowed and the matter has now been listed on 21.12.2010.

4. Having regard to the anxiety expressed by the petitioner that her matter is being inordinately delayed on account of the absence of the respondent/accused on every date and the frequent exemptions being granted by the trial Court, the present petition is disposed of with directions to the learned Metropolitan Magistrate to ensure that the matter is taken up on the next date of hearing fixed, i.e., on 21.12.2010 for framing of notice and the case is processed with reasonable dispatch. The learned M.M. is also directed not to entertain any further request of personal exemption made on behalf of

the respondent/accused till the arguments are addressed on the framing of notice and orders passed thereon. This is subject to the condition that the petitioner shall also not ask for an adjournment in this regard.

5. The petition is disposed of.

6. Registry is directed to forward a copy of this order forthwith to the learned Metropolitan Magistrate for information.

NOVEMBER 10, 2010
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HIMA KOHLI, J

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