

\$~12, 16, 17, 18 & 20

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

Date of Decision: February 19, 2015

+ (i) **CRL.M.C. 2707/2014**

THE STATE TRADING CORPORATION OF INDIA LTD

..... Petitioner

Through: Mr. Mukul Rohatgi, Attorney
General, with Mr.
K.Raghavacharyulu, Mr. Kailash
Panedy, Mr. Ranjeet and Mr.
Arunima Pal, Advocates

versus

GLOBAL STEEL HOLDINGS LTD ETC.ETCRespondents

Through: Mr. Siddharth Luthra, Senior
Advocate, with Mr. Pankaj Baghla,
Ms. Chaitali Jain and Mr. Gautam
Mitha, Advocates

+ (ii) **CRL.M.C. 1534/2014 & Crl.M.As.5193/2014, 12346/14**

UDAY PRATAP SINGH Petitioner

Through: Mr. Siddharth Luthra, Senior
Advocate, with Mr. Pankaj Baghla,
Ms. Chaitali Jain and Mr. Gautam
Mitha, Advocates

versus

STATE & ANR

.....Respondents

Through: Mr. Karan Singh, learned
Additional Public Prosecutor for
respondent-State
Mr. Mukul Rohatgi, Attorney
General, with Mr.
K.Raghavacharyulu, Mr. Kailash
Panedy, Mr. Ranjeet and Mr.
Arunima Pal, Advocates for
respondent No.2

+ (iii) CRL.M.C. 1537/2014 & Crl.M.As.5202/14, 12326/14

UDAY PRATAP SINGH Petitioner
Through: Mr. Siddharth Luthra, Senior
Advocate, with Mr. Pankaj Baghla,
Ms. Chaitali Jain and Mr. Gautam
Mitha, Advocates

versus

STATE & ANR Respondents
Through: Mr. Karan Singh, learned
Additional Public Prosecutor for
respondent-State
Mr. Mukul Rohatgi, Attorney
General, with Mr. K.
Raghavacharyulu, Mr. Kailash
Panedy, Mr. Ranjeet and Mr.
Arunima Pal, Advocates for
respondent No.2

+ (iv) CRL.M.C. 1535/2014 & Crl.M.As.5195/14, 12349/14

GLOBAL STEEL PHILIPPINES Petitioner
Through: Mr. Siddharth Luthra, Senior
Advocate, with Mr. Pankaj Baghla,

Ms. Chaitali Jain and Mr. Gautam
Mitha, Advocates

versus

STATE & ANRRespondents

Through: Mr. Karan Singh, learned
Additional Public Prosecutor for
respondent-State
Mr. Mukul Rohatgi, Attorney
General, with Mr. K.
Raghavacharyulu, Mr. Kailash
Panedy, Mr. Ranjeet and Mr.
Arunima Pal, Advocates for
respondent No.2

+ (v) **CRL.M.C. 1536/2014 & CrI.M.As.5200/14, 12342/14**

M/S GLOBAL STEEL PHILIPPINES Petitioner

Through: Mr. Siddharth Luthra, Senior
Advocate, with Mr. Pankaj Baghla,
Ms. Chaitali Jain and Mr. Gautam
Mitha, Advocates

versus

STATE & ANRRespondents

Through: Mr. Karan Singh, learned
Additional Public Prosecutor for
respondent-State
Mr. Mukul Rohatgi, Attorney
General, with Mr. K.
Raghavacharyulu, Mr. Kailash
Panedy, Mr. Ranjeet and Mr.
Arunima Pal, Advocates for
respondent No.2

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

JUDGMENT
% **(ORAL)**

With the consent of learned counsel for the parties, the above captioned five petitions were heard together and by this common judgment, they are being disposed of.

In the above-captioned first petition, the challenge is to trial court's order of 28th February, 2014 vide which respondent-accused persons have been exempted from appearing till the hearing on framing of Notice under Section 251 of Cr.P.C. is concluded. In the remaining four petitions, the challenge is to the impugned order vide which petitioners' revision petition against summoning order of 9th January, 2013 has been dismissed by the revisional court vide impugned order of 20th January, 2014.

While entertaining the above-captioned two petitions preferred by *Uday Pratap Singh* and the remaining two petitions preferred by *M/s. Global Steel Philippines*, the operation of the impugned order of 20th January, 2014 was stayed.

At the hearing, it was submitted by both the sides that in pursuance to order of 28th January, 2014 in CrI. M.C.466/2014 titled *Uday Pratap Singh v. State & Anr.*, trial court has already heard the parties in these cases as well and now, the matter is coming up before trial court for order on point of framing of Notice under Section 251 of Cr.P.C. on 25th February, 2015.

It was brought to the notice of this Court that aforesaid order of 28th January, 2014 in *Uday Pratap (supra)* has been affirmed by Apex Court in SLP (Crl.) No.4935/2014 titled *State Trading Corp. of India Ltd. V. Uday Pratap Singh & Anr.* on 9th February, 2015 with the modification that the exemption from personal appearance granted by this Court has been vacated and the accused has been directed to appear before trial court, if not already appeared.

On behalf of petitioner-*State Trading Corporation India Ltd.*, it is submitted that in view of Apex Court's order of 9th February, 2015, exemption from personal appearance granted to respondent-*M/s. Global Steel Holdings Ltd. (GSHL)* and its Chairman/Directors deserves to be vacated.

Learned senior counsel for respondent- *M/s. Global Steel Holdings Ltd. (GSHL)* relies upon decision of this Court in *M.D. Jindal v. Angad Paul & Ors.* ILR Supp. 12 (2007) Delhi 15, decision of Andhra Pradesh High Court in *Dasari House of Publications Pvt. Ltd. V. M/s. Apple Credit Corporation Ltd., Secunderabad and Anr.* 2002 Crl. L.J. 4751, decision of Calcutta High Court in *Ajit Kumar Chakrabarty and Ors. V. Serampore Municipality and Ors.* 1989 (1) Crime Page 411 and Apex Court's decision in *M/s. Bhaskar Industries Ltd. V. M/s. Bhiwani Denim & Apparels Ltd. & Ors.* 2001 [2] JCC [SC] 127 to submit that in a case like the instant one, the personal exemption of the Chairman/Director of the accused-company ought to be dispensed with as counsel on their behalf appears so that the proceedings are not halted.

Upon hearing and on perusal of the Apex Court's order of 9th February, 2015, as referred to above, the decisions cited and the material

on record, I find that in terms of Apex Court's order of 9th February, 2015, accused persons are required to be appear before trial court.

Consequently, the interim order exempting accused persons from appearance before trial court is hereby vacated. Order of 30th July, 2014 staying the operation of the impugned order in the remaining four petitions is also vacated. Let the parties appear before trial court on 25th February, 2015. Needless to say, trial court shall promptly pass the orders on the question of framing of Notice under Section 251 of Cr.P.C. on the date already fixed or on another short date.

With aforesaid observations, the above-captioned five petitions and the applications are disposed of while not commenting upon merits.

(SUNIL GAUR)
JUDGE

FEBRUARY 19, 2015

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