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

Date of Decision: May 15, 2015

+ CRL.M.C. 2041/2015 & CrI. M.A.No.7273/2015

MOHIT WADHWA @ MOHIT KUMAR WADHWA

..... Petitioner

Through: Mr. Sudhir Nandrajog, Senior
Advocate with Mr. H. Sharma,
Advocate

versus

THE STATE GOVT OF NCT OF DELHI Respondent

Through: Mr. Vinod Diwakar, Additional
Public Prosecutor for respondent-
State with SI Rajnish
Mr. Sanjay Khanna, Advocate with
complainant in person

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

JUDGMENT
(ORAL)

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In proceedings under Section 138 of the *Negotiable Instruments Act*, vide impugned order of 9th January, 2015, petitioner has been declared proclaimed offender.

Notice.

Mr. Vinod Diwakar, learned Additional Public Prosecutor for respondent-State and Mr. Sanjay Khanna, Advocate for respondent No.2 accept notice of this petition.

Learned senior counsel for petitioner submits that petitioner could

not appear before the trial court because he was running here and there for arranging installment amount but could not do so as per schedule in the Settlement-Agreement of 13th January, 2014. It is submitted that to show his *bona fides*, petitioner has handed over a demand draft bearing No.'420449', dated 12th May, 2015, drawn on RBL Bank, amounting to ₹10,00,000/- to the complainant, who has accepted it.

Mr. Sanjay Khanna, Advocate, appearing on behalf of complainant affirms the factum of complainant accepting the aforesaid amount of ₹10,00,000/- from petitioner and submits that EMIs would remain the same but time schedule would be drawn afresh.

Learned senior counsel for petitioner submits that the mutually agreed time schedule to honour the Settlement-Agreement of 13th January, 2014 would be submitted before the trial court on the date fixed i.e. on 30th May, 2015.

Let it be so done.

Upon petitioner appearing before the trial court on the date fixed i.e. on 30th May, 2015 along with mutually agreed fresh time schedule, he be admitted to interim bail till the next date of hearing so that the Settlement-Agreement of 13th January, 2014 is complied with in letter and spirit.

With aforesaid directions, this petition and application is disposed of.

(SUNIL GAUR)
JUDGE

MAY 15, 2015

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