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

+ **CRL.M.C. 960/2011**

RADHA MOHAN GUPTA

..... Petitioner

Represented by: **Mr. Gopal Singh, Advocate.**

versus

STATE & ANR.

..... Respondents

Represented by: **Ms. Rajni Gupta, APP for the State.**

**Mr. Arun Aggarwal, Advocate
for respondent No. 2.**

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

18.07.2016

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Crl. M.A. No. 2274/2012 (u/Section 340 Cr.P.C. by R-2)

When the matter came up before this Court for hearing on 25th March, 2011 learned counsel for Radha Mohan Gupta sought some time to place on record some documents to show that Radha Mohan Gupta was neither the proprietor of M/s Laxmi Sales nor the signatory of the cheques. Pursuant thereto Crl.M.A. No. 5145/2011 was filed by Radha Mohan Gupta accompanied by his affidavit wherein it was stated as under:

“6. That the petitioner has got no concern or connection with M/s Laxmi Sales and neither he is the proprietor nor he is the partner of the said M/s Laxmi Sales and in fact, he is the proprietor of M/s Laxmi Surgicals and the petitioner has not been carrying on any business at H-23, Maruti Residency, Amlidih Raipur, Chattisgarh where M/s Laxmi Sales is having its office.”

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It is on this representation that while issuing notice to respondent no.2 on 6th May, 2011 this Court exempted Radha Mohan Gupta from personally appearing before the learned Trial Court. After the respondent No.2 entered appearance he placed on record photocopy of a letter in the name of M/s Shri Laxmi Sales wherein the mobile number of Radha Mohan Gupta was reflected.

Subsequently, considering the material placed on record the petitioner withdrew the Crl. M.C. No. 960/2011 however, Crl. M.A. No. 2274/2012 filed by respondent No. 2 under Section 340 Cr.P.C. is pending. Prima facie it appears that by filing this affidavit stating that Radha Mohan Gupta had no connection with M/s Laxmi Sales and letter changing stand that it was not Laxmi Sales but Shri Laxmi Sales and thus no misrepresentation is made, this Court is of the prima facie view that Radha Mohan Gupta misrepresented facts before this Court.

Be that as it may, copy of the application being Crl.M.A. No. 2274/2012 along with its reply affidavit be placed on record by the respondent No.2 before the learned Trial Court. In case the learned Trial Court comes to a conclusion that there was misrepresentation by Radha Mohan Gupta action in accordance with law be taken against him.

Application is disposed of.

MUKTA GUPTA, J.

JULY 18, 2016
‘vn’

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