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

+ **CRL.M.C. 998/2016**

PARTHA SARTHY DEY Petitioner
Represented by: Mr. Suraj Prakash, Adv.

versus

THE STATE OF NCT OF DELHI & ANR Respondents
Represented by: Mr. G.M. Farooqui, APP for State
with SI Sanwaria, PS-Defence Colony and HC
Satish, Special Executive Magistrate Court, South
District.
Mr. Salman Khurshid, Sr. Adv. with Mr. Pramod
Kr. Dubey, Mr. Aditya Singh, Mr. Nishaant
Mattoo, Ms. Megha and Ms. Azra Rehman, Adv.

CORAM:
HON'BLE MR. JUSTICE SURESH KAIT

ORDER
% **09.03.2016**

Crl. M.A. 4258/2016 (for exemptions)

Exemptions allowed, subject to all just exceptions.

Accordingly, the application is allowed.

+ **CRL.M.C. 998/2016**

1. By way of the present petition, filed under Section 482 Cr.P.C., petitioner seeks directions thereby setting aside the order dated 22.01.2016 passed by the Special Executive Magistrate, South District, Vasant Vihar, New Delhi in Kalandra proceedings under Section 107/150 Cr.P.C. arising from DD No. 60-B dated 08.08.2015 registered at PS-Defence Colony whereby non-bailable warrants was issued against the petitioner.

2. Further seeks directions thereby setting aside the order dated 23.02.2016 passed by Id. Additional Sessions Judge, Saket Courts, New Delhi whereby Crl. Rev. No. 14/16 filed by the petitioner has been dismissed.

3. Notice issued.

4. Ld. APP and Id. Counsel named above accepts notice on behalf of respondent nos.1 and 2 respectively.

5. It is not in dispute that the petitioner has been appearing before the Special Executive Magistrate through Counsel and on most of the dates he moved exemption applications from personal appearance before the said Court, which was allowed. However, on 22.01.2016, his exemption application was rejected by the said Court and non-bailable warrant was issued against him.

6. The purpose of proceedings under Section 107/150 Cr.P.C. is to prevent the offence and for that purpose proceedings are going on. On most of the dates, the petitioner sought exemptions from personal appearance by moving applications through his counsel which were granted by the Court mentioned above. However, after noticing the conduct of the petitioner, the said application was rejected on 22.01.2016.

7. Ld. Counsel appearing on behalf of the petitioner on instructions has undertaken that in future the petitioner shall not move any application for exemption and appear before the Court of Special Executive Magistrate in person and join the proceedings.

8. It is informed that the petitioner moved an application for cancellation of the NBWs before the Special Executive Magistrate and simultaneously he filed the aforesaid Crl. Rev. Petition against the order dated 22.01.2016.

9. Keeping in view the submissions made and undertaken given by the counsel for the petitioner on instructions, I hereby set aside the orders dated 22.01.2016 and 23.02.2016.

10. Consequently, the application for cancellation of NBW has become infructuous.

11. Accordingly, the petition is disposed of.

12. I hereby make it clear that in future petitioner shall not send any message to the complainant, his wife or any other family members. If he fails to do so, legal action shall be taken against him.

Crl. M.A. 4257/2016 (for Stay)

Dismissed as infructuous.

SURESH KAIT, J

MARCH 09, 2016

jg