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

+ CRL.M.C. 3193/2013 & CRL.M.A. 11891/2013, 15826/2013

VARUN DUTTA

..... Petitioner

Through: Mr.Bakul Jain, Advocate.

versus

STATE & ANR.

..... Respondents

Through: Mr.G.M.Farooqui, APP for State.
Mr.Mohit Mathur, Sr. Advocate with
Mr.Devendera Dedha, Adv. for R-2.

CORAM:

HON'BLE MR. JUSTICE I.S.MEHTA

ORDER

21.10.2016

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Counsel for the petitioner submits that the petitioner is right now in U.K. where he has applied for political asylum. He further submits that he wish to argue the case on the maintainability of the present petition and he has no instructions to withdraw the same. Counsel for the petitioner, however, seeks adjournment on the ground that the learned senior counsel, who is to argue the case, has gone to Allahabad.

Request for adjournment is vehemently opposed by learned APP for the State and learned senior counsel appearing for the respondent No.2 contending that the petitioner is taking undue advantage and hijacking the judicial process which should not be allowed. Learned senior counsel appearing for the respondent No.2 has referred to the order dated 4th

February, 2016 passed by another Bench of this Court, wherein it has been observed that the present petition is not maintainable.

I have heard learned counsel for the parties and perused the record.

On 4th February, 2016, counsel for the petitioner sought time to take instructions from his client and assist the Court on the next date of hearing. Despite this, counsel for the petitioner still seeks adjournment and address arguments on the maintainability of the petition. Thus, the ground of adjournment does not seem to be bona fide and is only a delaying tactics which cannot be allowed by this Court. The Order dated 4th February, 2016 reads as under:-

“1. Vide the present petition, petitioner seeks directions quashing of FIR no. 129/2013 registered at PS-Crime Branch, New Delhi for the offences punishable under Sections 468/120B/471/420/506/467 IPC.

2. Vide order dated 07.08.2013, this Court directed the petitioner to join the investigation and directed the respondent / State not to take any coercive action against the petitioner.

3. Since, the petitioner did not join the investigation and left for New York without the permission of the Court, therefore vide order dated 09.10.2013 interim protection granted in favour of the petitioner was recalled.

4. It is stated by the ld. APP appearing on behalf of the State that the chargesheet has been filed and the petitioner is declared as Proclaimed Offender.

5. In view of the facts recorded above, the present petition is not maintainable.

6. At this stage, ld. Counsel appearing on behalf of the petitioner seeks time to take instructions from his client and assist the Court on the next date of hearing.

7. At his request, re-notify on 16.02.2016”.

Hence, in view of the order dated 4th February, 2016 passed by this

Court and the fact that the petitioner is declared a proclaimed offender and is stated to have taken political asylum in U.K and the further fact that the charge sheet has already been filed before the Court below qua against the present petitioner, I find no merit in the petition so as to attract the provisions of Section 482 Cr.P.C. Consequently, the petition is dismissed being devoid of any merit.

I.S.MEHTA, J

OCTOBER 21, 2016

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