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

+ **CRL.M.C. 2150/2016**

**STATE TRADING CORPORATION OF INDIA
LIMITED**

..... Petitioner

Through Ms.Pinky Anand, ASG with Mr.D.
Roy Chaudhari, Sr. Adv. with
Mr.M.S. Bhayana, Adv., Mr.Ajay
Sharma, Adv., Mr.Akash Jindal, Adv.
& Ms.Somya, Adv.

versus

**M/S GLOBAL STEEL HOLDING LIMITED (GSHL)
& ORS**

..... Respondents

Through Mr.Siddharth Luthra, Sr. Adv. with
Mr.Vijay Aggarwal, Adv.,
Mr.Gautam Mitra, Adv., Mr.Pankaj,
Adv. & Mr.Neeraj K. Jha, Adv.
Mr.Izhar Ahmad, APP for the State.

**CORAM:
HON'BLE MR. JUSTICE P.S.TEJI**

**ORDER
31.05.2016**

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Crl.M.A. No.9106/2016

Exemption allowed subject to just exceptions.

CRL.M.C. 2150/2016

The present petition has been preferred by the
petitioner/Company under Section 482/439(1)(b) of the Code of

Criminal Procedure read with Article 227 of the Constitution of India for quashing/setting aside the order dated 19th April, 2016 vide which the personal appearance of the accused was exempted for that date and the matter was ordered to be renotified on 1st, 2nd & 4th July, 2016 for arguments on the applications of the complainant as well as of the accused. While disposing of the appeal, the learned Metropolitan Magistrate had made certain observations which read as under:-

“On next date of hearing only arguments have to take place hence there is no actual need of parties however, if counsels need their assistance they may be called”

The arguments advanced by learned Additional Solicitor General appearing on behalf of the petitioner is that in the order passed on 19th April, 2016, the observations made by learned Metropolitan Magistrate tantamount to granting exemption for future appearance. It has further been stated that the order does not reflect any prayer made to this effect.

I have heard learned senior counsel for the parties and perused the available records. Indisputably, the position is that on 19th April, 2016, an application was moved for exemption from personal appearance of the accused persons which was allowed for that date and it has been so mentioned categorically that the exemption from personal appearance is for today only. Perusal of the order shows that it has been casually mentioned in the order that there is no actual need

of the party.

After hearing learned senior counsel for the parties, this Court is of the considered opinion that the interpretation of the order may not be made in the manner which makes the order illegal and it has to be read in its correct prospective which would be treated as legal and passed in the bona fide manner by the Trial Court.

In such scenario, this Court is of the considered opinion that the observation made in the order dated 19th April, 2016 to the effect that there was no actual need of the parties, shall not be treated as future exemption. It is further clarified that the grant of exemption from personal appearance is the sole prerogative of the Trial Court but the discretion should be exercised by passing a reasoned and detailed order after hearing the parties particularly in the matter like the present one where the appearance is a matter of dispute between the parties.

The other part of the argument advanced by learned Additional Solicitor General is that the Trial Court be directed to dispose of the matter finally within a period of six weeks.

Indisputably, the matter is at the stage of argument on notice and in such a scenario, no direction can be passed at a stage when even notice has not been issued so far.

With the above observations, the present petition is disposed of.

P.S.TEJI, J

MAY 31, 2016/aa

