

\$~30

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

Judgment dated: 16th January, 2017

+ CRL.M.C. 177/2017

HARSHVARDHAN SARANGPANI REDDY Petitioner

Through: Mr.Santosh K. Chauriha, Adv. with
Mr.Meraj Kumar, Adv.

versus

STATE OF (NCT) DELHI & ANR Respondents

Through: Mr.Raghuvinder Varma, APP for State

CORAM:

HON'BLE MR. JUSTICE I.S.MEHTA

I.S.MEHTA, J (ORAL)

CRL.M.A.809/2017

Exemption granted, subject to all just exceptions.

Application stands disposed of.

CRL.M.C. 177/2017 & CRL.M.A.810/2017

1. This is a petition under Section 482 Cr.P.C for quashing of Non Bailable Warrants & proceedings under Section 82/83 Cr.P.C dated 06.12.2016 issued against the petitioner by Shri. Sumeet Anand, learned Metropolitan Magistrate, Patiala House, New Delhi, in CC No. 23585/2016 titled “Kamal Jain versus M/s. Aura Institutions Pvt. Ltd.”
2. It is submitted by learned counsel for the petitioner that the petitioner could not appear before the Court below on medical grounds. He has submitted that on 01.12.2016 an application seeking exemption from personal appearance was moved by the petitioner which was dismissed by the Court below and Non Bailable Warrants were issued against the petitioner. He has further submitted that on 06.12.2016 the petitioner

again approached the Court below seeking cancellation of Non Bailable Warrants and exemption from personal appearance but again the said applications were dismissed and proceedings under Sections 82/83 Cr.P.C were initiated against the petitioner. Counsel for the petitioner has submitted that the petitioner's non appearance before the Court below is not intentional but due to medical problems. He has submitted that the petitioner wants to participate in the Trial Court proceedings and submits that to meet the ends of justice, the impugned order dated 06.12.2016 be set aside.

3. Learned APP for State has vehemently opposed the contention of learned counsel for the petitioner and submitted that the petitioner's non appearance before the Court below is deliberate and prays that the present petition be dismissed.
4. The plea taken by the petitioner for non appearance seems to be bonafide since there is a medical certificate on record. I am of the opinion that the petitioner is trying his best to participate in the Trial Court Proceedings. Resultantly, the petitioner is directed to appear before the Court below on or before 28th January, 2017 and to move an appropriate application before the concerned Court below who shall proceed the matter in accordance with law. In the meanwhile, in the event of his arrest he be released on bail on his furnishing bail bond in the sum of Rs.20,000/- with one surety of the like amount to the satisfaction of the Court below.
5. The present petition is disposed of accordingly. All pending application(s) (if any) also stand disposed of.
6. Copy of this order be given *dasti*.

**I.S. MEHTA
(JUDGE)**

JANUARY 16, 2017/radhika