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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL. M.C. 3620/2017**

MADHU GUPTA

..... Petitioner

Through: Mr. Vikas Pahwa, Sr. Adv. with Mr.
Ankit Aggarwal, Mr. Shashank and
Ms. Kinnori Ghosh, Advs.

Versus

STATE

..... Respondent

Through: Mr. G.M. Farooqui, APP for State.

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

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06.09.2017

Crl. M.A. 14762/2017

Allowed, subject to all just exceptions.

Application is disposed of.

Crl. M.C. 3620/2017

Learned senior counsel for the petitioner submits that petitioner was one of the directors in BMS IT Institute Pvt. Ltd. along with her husband. Her husband used to look after the affairs of the said company. Even after registration of FIR, all the legal aspects were taken care of by her husband.

Petitioner and her husband were declared proclaimed offender vide order dated 19th January, 2017 since they did not appear before the trial

court. Petitioner was not aware of the issuance of proclamation as she and her husband were out of town during the relevant period. On their return, petitioner's husband filed CrI. Rev. P. 62/2017 before the Additional Sessions Judge against the order dated 19th January, 2017 whereby petitioner and her husband were declared proclaimed offenders. However, revision petition was dismissed vide order dated 18th February, 2017. Even the revision petition was pursued by the petitioner's husband. Petitioner's husband surrendered on 6th March, 2017 and remained in jail till 1st August, 2017, when he was granted bail. Petitioner could not take legal steps in absence of her husband.

Petitioner had no intention to avoid appearance before the trial court, inasmuch as, she is willing to participate in the court proceedings. Petitioner is a house wife and all the legal aspects were taken care of by her husband. Petitioner undertakes to appear before the trial court on the date fixed, that is, 25th September, 2017 and participate in the trial court proceedings.

In the above facts, without going into the merits or demerits of the contentions of the petitioner, impugned orders are set aside, in view of the specific undertaking of the petitioner that she will appear before the trial court on 25th September, 2017 and participate in the proceedings before the

trial court.

Petition is disposed of in the above terms. Miscellaneous application is disposed of as infructuous.

Dasti.

A.K. PATHAK, J.

SEPTEMBER 06, 2017

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