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

+ CRL.M.C. 4746/2017 & CrI. M.A. 18895-96/2017

VIRENDER SINGH

..... Petitioner

Through

Mr. Mohit Mathur, Sr. Advocate with
Mr. Ashim Vachher, Mr. P. Piyush,
Mr. Vaibhav Dabas and Mr. Sumeet,
Advts.

Versus

STATE NCT OF DELHI

..... Respondent

Through

Ms. Meenakshi Dahiya, APP with
Inspector Uday Kumar, P.S. Delhi
Cantt.

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

% **17.11.2017**

Petitioner is aggrieved by the orders dated 9th September, 2014 and 17th July, 2017, whereby petitioner was declared proclaimed offender. It is submitted that the petitioner is a US national of Indian origin. He had been living in USA right from 1976 onwards. Petitioner obtained citizenship of United States of America in the year 1998. It is further submitted that petitioner was in United States of America even at the time when FIR was registered. This fact is even mentioned in the charge-sheet. Despite this, address of the petitioner of his native place was given. No summons were received by the petitioner as the same were not sent at his USA address.

Petitioner was not aware about the proceedings pending before the trial court. In the series of orders placed on record, the trial court has noted that accused were in United States of America. It has been wrongly mentioned in the order dated 9th September, 2014 that all the accused persons are residents of Agri House, Bijnore and Ranipur, Haridwar, at which addresses, non-bailable warrants were issued. It is submitted that petitioner came to India in February, 2017 only then he came to know about the present criminal proceedings and immediately thereafter he approached the concerned court for appropriate reliefs.

It is further submitted that petitioner is now in India and will appear and participate in the trial court proceedings.

I have perused the charge-sheet as well as the proceeding sheets of the trial court. A perusal thereof, prima facie, indicates that petitioner had been living in United States of America and this fact is borne out from the records. Despite this, no efforts were made to send the summons at the U.S. address of the petitioner. Instead non-bailable warrants were issued at Bijnore address and non-service thereof followed P.O. proceedings.

Be that as it may, since petitioner has undertaken to participate in the criminal proceedings pending before the trial court, in accordance with law,

order issuing non-bailable warrants and declaring the petitioner proclaimed offender, is quashed.

Petition is disposed of in the above terms. Miscellaneous applications are disposed of as infructuous. Dasti.

A.K. PATHAK, J.

NOVEMBER 17, 2017
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