

Sanjay Saxena

.....Petitioner

versus

Om Parkash Saini

.....Respondent

CORAM: HON'BLE MR.JUSTICE SUDHIR MITTAL

Present:- Mr. Himanshu Sharma, Advocate for the petitioner

Sudhir Mittal, J. (Oral)

The petitioner is an accused in a case under Section 138 of the Negotiable Instruments Act, 1881. Vide order dated 01.10.2018, this Court had given him one opportunity to examine himself and any other defence evidence on 01.12.2018. It was clarified in the said order that no further opportunity would be granted.

From the impugned order dated 01.12.2018, it is apparent that the petitioner failed to appear on the date aforementioned and sought exemption. The exemption application was not accompanied by any medical evidence. Yet, the trial Court allowed the exemption application and did not cancel his bail. However, since no defence evidence was produced, the defence evidence was closed and the matter was posted to 03.12.2018 for arguments. It appears that the matter was not heard and has been posted for today for final arguments.

Learned counsel for the petitioner argues that the petitioner has multiple medical issues and, thus, one more opportunity be granted to him.

If the petitioner has multiple medical issues there is no guarantee that he will appear even if another opportunity is granted to him. His past conduct does not inspire confidence and therefore, the petition is dismissed being meritless.

December 06, 2018

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[SUDHIR MITTAL]**JUDGE****Whether speaking/reasoned : Yes/No****Whether Reportable : Yes/No**