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IN THE HIGH COURT OF DELHI AT NEW DELHI

Decided on: 29th November, 2018

+ CRL.M.C. 1096/2016 and Crl.M.A.4697/2016

PRASHANT KUMAR UMRAO Petitioner

Through: Ms. Roopam proxy counsel for
Mr. R.P.Luthra, Advocate

versus

STATE & ORS Respondents

Through: Mr. Rahul Mehra, standing counsel
with Mr. K.S. Ahuja, APP for the
State with Insp. Bhushan Azad, SI
Yogesh Kumar & Mr. Chaitanya
Gosain, Mr. Jamal Akhtar &
Mr. Tushar Sannu, Advs.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER (ORAL)

1. The third respondent had approached this court for certain reliefs vis-à-vis the case arising out of FIR No.110/2016 of Police Station Vasant Kunj North, involving offences punishable under Sections 124-A/120-B/34/147/149 of Indian Penal Code, 1860 (IPC) by Writ Petition (Crl.) No.558/2016. A learned Single Judge of this court, by order dated 02.03.2016, admitted the said party to interim bail, subject to certain conditions. Three petitions came to be filed in the wake of the said order, including the present petition, the other

being CrI.M.C.1094/2016 and CrI.M.C.1095/2016, the first said petition also being by the same petitioner at hand, the second said petition being of Vineet Jindal. By CrI.M.C.1094/2016 and CrI.M.C.1095/2016, the prayer made was for the interim bail granted to the third respondent by the aforementioned order to be cancelled. The said two other petitions were dismissed by a learned Single Judge of this court by a common order dated 11.08.2016.

2. The petition at hand praying for initiation of action under Section 340 of the Code of Criminal Procedure, 1973 (Cr.P.C.) against second and third respondents, however, has remained pending, the contentions for the aforementioned prayer having arisen out of the same proceedings as aforesaid.

3. The matter was adjourned on the last date of hearing on the request of the counsel for the petitioner, he having pleaded personal difficulty. When the matter is taken up today, a proxy appears with similar request on behalf of the counsel. There is no indefinite right to adjournments, just for the asking. The matters cannot be kept pending at the choice, whims or caprice of the parties. There is no good reason why counsel should not appear and assist.

4. Having heard the learned standing counsel for the State and having gone through the record, this court finds no merit or substance in the petition.

5. The prayer in the petition is founded on the basis of pleadings in (para 14 of) the writ petition, wherein order dated 02.03.2016 was

passed. It appears that the said writ petition was supported by affidavit of the second respondent who was prosecuting the matter as *paurokar* for the third respondent in those proceedings. All that was mentioned in the relevant para was an assertion on behalf of the third respondent that he had committed no offence and that the case of the police against him was founded on wild or baseless allegations, he being a proud citizen of India having always affirmed his faith in the Constitution of India, he claiming the rights thereunder.

6. These averments in the writ petition do not make out a case of perjury as is allayed. The court, even otherwise, does not find it expedient or in the interest to exercise the jurisdiction vested in it under Section 340 Cr.P.C. The least that can be said is that the petition is frivolous and ill-advised.

7. The petition and the application filed therewith are dismissed.

R.K.GAUBA, J.

NOVEMBER 29, 2018

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