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

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Judgment delivered on: 24.04.2018

+ CRL.REV.P. 199/2017

SANJEEV SHARMA

..... Petitioner

versus

GOVT. OF NCT OF DELHI

..... Respondent

Advocates who appeared in this case:

For the Petitioner : Mr. Randhir Jain with Mr. Dhananjai Jain
and Mr. Bhoop Singh, Advocates with
petitioner in person.

For the Respondent : Ms. Neelam Sharma, APP for the State.
SI Inder Pal, PS Vikas Puri.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

24.04.2018

SANJEEV SACHDEVA, J. (ORAL)

CRL.REV.P. 199/2017 & Crl.M.A.13186/2017 (stay)

1. Petitioner impugns order dated 02.03.2017, whereby, the application filed by the petitioner seeking to plead guilty through counsel, in his absence, was rejected by the Trial Court and, further, he is aggrieved by the issuance of non-bailable warrants and initiation of proceedings under Section 82 Cr.P.C.

2. The petitioner was charged with having committed an offence under Section 40(a) of the Delhi Excise Act, 2009, i.e., for allegedly consuming liquor in a public place. The offence is alleged to have been committed on 20.06.2011.

3. It is pointed out by the learned counsel for the petitioner that from day one the petitioner had been seeking to plead guilty and to pay the fine prescribed by the Section 40(a) of the Delhi Excise Act, 2009. He submits that since it is a case of first offence, the prescribed punishment is only a fine upto Rs.5,000/-.

4. He further submits that initially when the petitioner appeared before the Trial Court to plead guilty, final report had not been filed and the petitioner was not permitted to plead guilty as the Court was yet to take cognizance.

5. Thereafter, the petitioner had shifted his permanent residence to Canada in the year 2013. Thereafter, efforts were made by the petitioner to plead guilty through counsel, however, since he was not appearing before the Trial Court, the Court did not allow the application and did not permit the petitioner to plead guilty through his advocate. Further, on his failure to appear before the Trial Court, the proceedings under Section 82 Cr.P.C. were directed to be initiated and non-bailable warrants were issued.

6. The petitioner is present in Court in person. He submits that he

is willing to appear before the Trial Court and to personally plead guilty and pay such fine as may be imposed by the Trial Court.

7. I have also perused the record, which shows that the petitioner had initially attempted to plead guilty, however, his plea was not accepted as cognizance had not been taken by the Court. Keeping in view the facts and circumstances, as borne out from the record, in my view, it would be expedient to direct the petitioner to appear before the Trial Court on 27.04.2018 and to make his submissions with regard to plea of guilty before the Trial Court.

8. Subject to the petitioner appearing before the Trial Court on 27.04.2018, no coercive action shall be taken against the petitioner consequent to the proceedings under Section 82 Cr.P.C. and the non-bailable warrants.

9. The petition is, accordingly, disposed of in the above terms.

10. The Trial Court record be transmitted back by the Registry forthwith, through a special messenger, so as to reach the Trial Court on or before 26.04.2018.

11. Order *Dasti* under the signatures of the Court Master.

SANJEEV SACHDEVA, J

APRIL 24, 2018/st