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

+ CRL.M.C. 3879/2018 and CrI.M.A.29221-29222/2018

VIDHATA ESTATES PVT.LTD & ORS Petitioners

Through: Mr. Vijay Joshi, Advocate

versus

THE STATE & ANR Respondents

Through: Mr. Mukesh Kumar, APP for the
State with SI Sushil Sanwaria, PS
Defence Colony.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

% **03.08.2018**

In the criminal complaint case [CC No.89/2/2014 (615706/2016)] of the private party respondent, the petitioners have been summoned as accused for the offence under Section 420 IPC. The second petitioner is described as presently a resident of Dubai (UAE). On account of he not appearing in response to the summons, duress process was issued against him initially bailable warrants and later non-bailable warrants followed by proclamation under Section 82 of the Code of Criminal Procedure, 1973 (Cr.P.C.). They moved an application seeking cancellation of NBWs but the same was declined by order dated 29.05.2018 of the Magistrate, *inter alia*, on the ground of the fact that the accused did not appear even at the hearing on the said application, having evaded process resulting in proclamation under Section 82 Cr.P.C. being issued.

The counsel for the petitioner now submits, on instructions, that the petition is not pressed and he may be permitted to withdraw the petition and the applications filed therewith, the second petitioner undertaking to appear in person with counsel, duly briefed, on 16.08.2018, which is the date fixed for further proceedings before the trial court, his request being, his application for cancellation of duress process may be directed to be considered on merits on that date, taking into account that he has been stationed abroad during the entire period, he also intending to move an application for release on bail on the same date.

This court has no doubt that the application for cancellation of the duress process including the process under Section 82 Cr.P.C. and the prayer for release on bail will be considered on merits by the trial court after examining documents showing the absence of the second petitioner from India during the relevant period.

The petition and the applications filed therewith are dismissed as withdrawn.

R.K.GAUBA, J.

AUGUST 03, 2018

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