

\$~50

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

+ CRL.M.C. 98/2018 and Crl. M.A. 427-428/2018

JOY HOTEL & RESORTS PVT LTD & ANR Petitioners

Through: Ms. Hemlata K. And Mr. Shailesh
Pandey, Advocates

versus

THE STATE GOVT OF NCT OF DELHI & ANR Respondents

Through: Mr. Mukesh Kumar, APP for the State
with SI Rajesh Kumar, PS Barakhamba Road
Mr. Harish Katyal and Ms. Sonika Katyal,
Advocates

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

% **25.07.2018**

The proxy counsel for the petitioner seeks an adjournment on the ground that the main counsel is pre-occupied elsewhere. The counsel for the second respondent (complainant) of the case from which the present proceeding arise strongly opposes this request. He also submits that under the cover of the exemption obtained from personal appearance by order dated 09.01.2018, the petitioners have not been appearing before the trial court even though such exemption was to operate only for the “next date of hearing”. He also submits that it was wrongly submitted before this court on 09.01.2018 that “notice has already been framed” and that the case is at the stage of complainant’s evidence. He submits that the case is still at the stage

where the petitioners are to be served with a notice under Section 251 Cr. PC, the compliance with the procedure in which respect has not been made apparently on account of continued absence of the petitioners.

On being asked, the counsel present for the petitioners fairly conceded that no notice under Section 251 Cr. PC has been issued or served on the petitioners till date. In this view, it is clear that wrong submissions against the record were made on 09.01.2018, this itself being an abuse of the process of law.

Having regard to the above and the fact that the case is still at the initial stage, the petition and the applications filed therewith are dismissed.

R.K.GAUBA, J

JULY 25, 2018

yg

CRL.M.C. 98/2018

page 2 of 2