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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 668/2016 & CRL.M.A. 2841/2016**
VIKRAM THAKUR Petitioner
Through: Mr. V.V. Gautam, Adv.

versus

STATE & ANR Respondent
Through: Mr. Izhar Ahamd, APP for State

CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER
% **20.03.2018**

In terms of proceedings dated 13.12.2017, the Trial Court Record has been requisitioned, which has been so requisitioned in view of the submissions made on behalf of the petitioner and the reliance that has been placed on order dated 19.2.2016 in the present petition CRL.M.C. 668/2016.

Vide order dated 19.02.2016 vide para-4 it had been detailed to the effect that:

“the trial Court is directed to fix the date in the matter after the date fixed by this Court”.

Vide para-3 of the said proceedings, notice had been directed to the respondent no.2 with the process being returnable for the date 19.05.2016.

The Trial Court Record which had been requisitioned indicates that what was submitted before the learned trial Court on the date 05.03.2016, the date after 19.02.2016, was copy of order dated 05.02.2016 in Crl. M.C. 668/2016. The proceedings in the present

petition i.e. CRL.M.C. 668/2016 are indicate to have commenced on the date 17.02.2016 and not on any date as 05.02.2016 and were renotified from 17.02.2016 to the date 19.02.2016. The proceedings dated 05.03.2016 of the trial Court are to the effect that:

“copy of the order dated 05.02.2016 passed by Hon’ble Mr. Justice Suresh Kait in Cr.M.C. 668/2016 filed by accused. In terms of above said order, put up for further proceedings on 27.05.2016”.

The date 27.05.2016 is apparently beyond the date 19.05.2016 fixed vide order dated 19.02.2016. No further directions as directed vide order dated 19.02.2016 have at any stage been granted in favour of the appellant.

As submitted on behalf of the State on 24.11.2017, the petitioner had already been convicted in relation to CC No. 62118/2016 in case titled as ***Abdul Khalique Vs. Vickram Thakur*** by the trial Court and the proceedings in relation thereto bring forth clearly the conviction of the petitioner vide judgment dated 23.12.2014 in CC No. 4006/14 under Section 138 of Negotiable Instrument Act with the order on sentence dated 03.06.2017 was already pronounced in relation thereto.

In view thereof, the petition does not survive any more.

The petition is dismissed.

The Trial Court Record be returned.

ANU MALHOTRA, J

MARCH 20, 2018/vm