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

+ CRL.M.C. 885/2019 & CrI.M.As. 3542-43/2019

RITU KAPOOR Petitioner

Through: Ms. Sonal Singh, Advocate

Versus

NITIN JAIN & ANR. Respondents

Through: Nemo.

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

% **18.02.2019**

Petitioner claims to be one of the Directors of accused company, who have been summoned vide impugned order of 23rd January, 2016 and vide order of 2nd February, 2019, petitioner has been declared proclaimed offender.

Challenge to the impugned order by petitioner's counsel is on the ground that petitioner is not signatory of the cheque in question and had resigned from the accused-company two years ago and so, the impugned orders ought to be quashed.

Upon hearing and on perusal of complaint in question, I find that there are allegations against all the Directors of accused-Company and so, summoning of petitioner cannot be faulted with. So far as order of 2nd February, 2019 is concerned, I find it is not stated that petitioner was served at the residential address.

During the course of hearing, attention of this Court was drawn by

petitioner's counsel to letter of 16th August, 2018 vide which petitioner had resigned from the Directorship of accused-Company.

This Court finds that the impugned order, of which quashing is sought, pertains to the merits which cannot be pre-judged at this initial stage. So far as declaration of petitioner as absconder is concerned, I find that order of 2nd February, 2019 be not given effect to upon petitioner appearing before the trial court on 12th March, 2019.

In the light of aforesaid, impugned order of 23rd January, 2016 is maintained but order of 2nd February, 2018 be not given effect to. Trial Court to admit petitioner to bail upon her furnishing bail bond to the satisfaction of trial court upon her appearing before the trial court on 12th March, 2019.

Trial court be apprised of this order forthwith to ensure its compliance.

This petition and applications are accordingly disposed of.

Dasti.

(SUNIL GAUR)
JUDGE

FEBRUARY 18, 2019

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