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

+ CRL.M.C. 3100/2019 and Crl. M.A. 12670/2019

VINOD POPLI

..... Petitioner

Through: Mr. Atul T.N. and Mr. Devendra Verma,
Advocates

versus

STATE & ORS

..... Respondents

Through: Ms. Meenakshi Chauhan, APP for the
State

Mr. Sahil Srivastava, Adv. for R-3

+ CRL.M.C. 3271/2019 and Crl. M.A. 13458/2019

VINOD POPLI

..... Petitioner

Through: Mr. Atul T.N. and Mr. Devendra Verma,
Advocates

versus

STATE & ORS

..... Respondents

Through: Ms. Meenakshi Chauhan, APP for the
State

Mr. Sahil Srivastava, Adv. for R-3

+ CRL.M.C. 3272/2019 and Crl. M.A. 13460/2019

VINOD POPLI

..... Petitioner

Through: Mr. Atul T.N. and Mr. Devendra Verma,
Advocates

versus

STATE & ANR

..... Respondents

Through: Ms. Meenakshi Chauhan, APP for the
State

Mr. Sahil Srivastava, Adv. for R-3

+ CRL.M.C. 3273/2019 and Crl. M.A. 13462/2019

CRL.M.C. 3100/2019 & conn.

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been compared and the digital data is as per
the physical file and no page is missing.

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VINOD POPLI

..... Petitioner

Through: Mr. Atul T.N. and Mr. Devendra Verma,
Advocates

versus

STATE & ORS

..... Respondents

Through: Ms. Meenakshi Chauhan, APP for the
State

Mr. Sahil Srivastava, Adv. for R-3

+ CRL.M.C. 3274/2019 and Crl. M.A. 13464/2019

VINOD POPLI

..... Petitioner

Through: Mr. Atul T.N. and Mr. Devendra Verma,
Advocates

versus

STATE & ORS

..... Respondents

Through: Ms. Meenakshi Chauhan, APP for the
State

Mr. Sahil Srivastava, Adv. for R-3

+ CRL.M.C. 3275/2019 and Crl. M.A. 13466/2019

VINOD POPLI

..... Petitioner

Through: Mr. Atul T.N. and Mr. Devendra Verma,
Advocates

versus

STATE & ORS

..... Respondents

Through: Ms. Meenakshi Chauhan, APP for the
State

Mr. Sahil Srivastava, Adv. for R-3

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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30.07.2019

The petitioner and the third respondent are facing prosecution

in complaint cases (CC-611985/2016, CC-619298/2016, CC-618852/2016, CC-619700/2016, CC-619299/2016, CC-619300/2016) in the court of the Metropolitan Magistrate instituted by the second respondent (complainant) each alleging offences under Section 138 of the Negotiable Instruments Act, 1881 concerning different set of cheques. The case is at the stage of cross-examination of complainant who is stationed in United Kingdom. It appears the Metropolitan Magistrate has made arrangements for the said witness to be cross-examined through video conferencing. The arrangements, as per the submissions of the petitioner, involve a private Notary / Oath Commissioner at the remote end which, as per the argument of the petitioner, is improper, it not being in *sync* with the decisions of this court in *Sujoy Mitra vs. State of West Bengal*, 2015(16) SCC 615; *International Planned Parenthood Federation (IPPF) vs. Madhu Bala Nath*, 2016 AIR (Del) 71; *Eaton Corporation & Anr. Vs. BCH Electric Limited*, 2017 (165) DRJ 405 and *Milano Impex Private Ltd. vs. Egle Footwear Pvt. Ltd.*, 2012 (188) DLT 202. It appears the trial court did not consider such objections though the petitioner claims to have raised submissions to that effect at the time of the impugned order in terms of which such cross-examination by video conferencing has been scheduled for 24.09.2019 at 2.00 p.m.

In the given facts and circumstances, since the impugned order does not indicate the opinion of the trial court on the above issue essentially on law and propriety of the procedure of video conferencing, the counsel for the petitioner submitted that he may be

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permitted to withdraw the present petitions and given liberty to approach the concerned court with a fresh application for appropriate directions to be issued on the subject of video conferencing in light of the guidelines provided by the case law.

The petitions and the applications filed therewith are dismissed as withdrawn. The petitioner will have the liberty as is prayed for by him. Needless to add, the Metropolitan Magistrate will consider the legal objections and suggestions to the propriety of the procedure and pass appropriate orders in their light.

Dasti under the signatures of the Court Master.


R.K. GAUBA, J

JULY 30, 2019

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