

\$~47

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

Date of decision: 18.09.2019

+ **CRL.M.C. 4627/2019 and CRL.M.A. 35812/2019**

MADAN MOHAN WADHAWAN Petitioner
Through: Mr. Abhishek Paruthi, Mr. Sachin
Kumar, Mr. Aakash Dubey and
Ms. Tanushi, Advs.

versus

STATE (NCT) OF DELHI Respondent
Through: Mr. M.S. Oberoi, APP for State with
SHO V.K.P.S. Yadav, SI Rajesh
Kumar (IO)

CORAM:
HON'BLE MR. JUSTICE SURESH KUMAR KAIT

J U D G M E N T (O R A L)

1. Vide the present petition, the petitioner prays for setting aside and modification of orders dated 20.07.2019 and 09.08.2019 and the order issuing NBW in FIR No. 175/2017 in Cr. Case No. 3919/2018 against the petitioner. He further prays for setting aside the order of forfeiture of the surety and for restoration of the surety bond earlier submitted by the petitioner to its original number.

2. Pursuant to the order dated 16.09.2019 passed by this Court, SHO V.K.P.S. Yadav is present today in Court with relevant documents.

3. After seeing the video of the incident dated 15.03.2019, it can be construed that the daughter of the petitioner alongwith some other ladies created ruckus outside the Saket Court and consequent thereto, the police has already registered FIR No. 124/2019 at PS Saket for the offence punishable under Section 195A IPC. The said fact has been recorded by the Trial Court in its order dated 15.03.2019.

4. I hereby warn the petitioner and Smt. Shweta Wadhawan, daughter of the petitioner, who is also an accused in the FIR No. 124/2019 registered at Police Station – Saket, that they shall behave properly outside and inside the Court. They shall not repeat such type of incidents in future, failing which strict action shall be taken against them.

5. It is not in dispute that the aforesaid matter was listed before the trial Court on 20.07.2019 and the learned counsel for petitioner moved an application for exemption on the ground that the petitioner was unwell and admitted in AIIMS Hospital due to cardiac attack. Page 28 of the present petition reveals that the petitioner approached the aforesaid hospital on 20.07.2019 at 06:24:27 AM. However, learned Trial Court dismissed the application and issued NBWs and warrants of attachment against the petitioners. Thereafter, the matter was listed on 07.09.2019, on which date

the petitioner – Mr. Madan Mohan Wadhawan could not appear for the reason that on 03.09.2019 itself he got admitted in Safdarjung Hospital and till date he is in the same hospital. However, the Trial Court has not considered and overlooked the aforesaid medical documents.

6. Accordingly, I hereby set aside the orders dated 20.07.2019, 09.08.2019 and 07.09.2019. I hereby make it clear that the petitioner shall remain on bail on the same bail bond and the surety as was furnished before the learned Trial Court vide its first releasing order on bail.

7. I hereby suggest the Trial Court not to pass any order in haste and if any of the accused prays for exemption from personal appearance on medical grounds, atleast those facts have to be verified and only thereafter, the order should be passed, otherwise, it will unnecessarily burden the Trial Court as well as this Court.

8. This petition is allowed and disposed of accordingly. Pending application also stands disposed of.

(SURESH KUMAR KAIT)
JUDGE

SEPTEMBER 18, 2019

PB