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

% Judgment delivered on: 15.01.2019

+ CRL.REV.P. 622/2018

REKHA RANI

..... Petitioner

versus

SUDHIR KUMAR KHANNA & ORS

..... Respondents

Advocates who appeared in this case:

For the Petitioners : Ms. Sunita Arora, Adv. along with
Petitioner in person.

For the Respondents : Mr. Ashish Dhingra, Adv. for R-1
with respondent No.1 in person.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

15.01.2019

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner seeks to impugn order dated 04.05.2018 and further seeks transfer of the pending proceedings from the Court of the Metropolitan Magistrate.

2. It is contended by the petitioner, who appears in person, that the impugned order is not sustainable and has incorrectly imposed cost on the petitioner and also returned a finding that the petitioner is seeking to delay the proceedings.

3. Petitioner submits that the petitioner was only endeavouring to

ensure that the complete record of service as well as income of the respondent is produced on record because the respondent has not been producing the same. She submits that she had filed an application under Section 91 Cr.P.C., however, the said application was not allowed and was dismissed on the ground that the relevant documents had already been produced by the respondent, whereas, the respondent has failed to produce the complete record.

4. Learned counsel appearing for the respondent submits that the respondent has already filed all the relevant documents. He further submits that he is willing to produce such other documents as may be directed by the court.

5. Subject Application under Section 91 Cr.P.C. has been filed by the petitioner and is annexed at page 113 of the paper book. The application under Section 91 Cr.P.C. filed by the Petitioner has been rejected by the Trial Court by order dated 15.10.2018 and petitioner has impugned the said order before the Court of the Sessions Judge. Petitioner has also filed another application under section 91 CrPC seeking production of bank statement of Bank of India.

6. With consent of the parties each item of the two applications is taken up for consideration so that a quietus can be put to the said applications under section 91 Cr.P.C. and the revision petition impugning order dated 15.10.2018 and the proceedings before the trial court can progress.

7. With regard to each of the items, the following directions are issued with consent of the parties:

- (i) Petitioner has sought production of the two Pan Cards of the respondent. Learned counsel appearing for the respondent submits that the respondent has already surrendered one of the two Pan Cards i.e., Pan Card ending with '7149K'. The statement is taken on record.
- (ii) With regard to the details of the bank accounts with (a) Punjab National Bank, B-1, Community Centre, Janak Puri, (b) PPF Account and (c) IDBI Bank Account, Janak Puri, it is stated by counsel for the Respondent that the bank statements for the period from January 2012 till November 2018 have already been filed before the Trial Court. He submits that statement from December 2018 till date shall also be filed with the trial court by 21.01.2019.
- (iii) With regard to the bank account with Bank of India, learned counsel for the respondent, under instructions, submits that this account was opened in the year 2017 and that the entire bank statement of the said bank account till date shall be filed before the Trial Court before 21.01.2019.

- (iv) With regard to the NRE Bank Account in Indian Overseas Bank, learned counsel for the respondent, under instructions, submits that the Statement of Accounts for the period from January 2012 till date has already been filed with the Trial Court. The statement is taken on record.
- (v) With regard to the bank account in Dubai and Sharjah are concerned, Respondent submits that he has only one account and details of the said account has already been filed with the Trial Court.
- (vi) With regard to the visa details of all the passports, respondent submits that he does not have in his possession the earlier passports which were cancelled and returned to him as they may have been lost/destroyed. He submits that he has his current passport as well as the immediately preceding passport which was cancelled and returned. He submits that photocopy of every page of these two passports shall be filed before the Trial Court before 21.01.2019.
- (vii) Respondent submits that the salary certificates issued by Hamriya Free Zone Authority and Jebel Ali Free Zone Authority have already been filed before the Trial Court.

- (viii) With regard to the partnership firm VHP & Co., learned counsel for the respondent, under instructions, submits that he shall file copy of the Partnership Deed of VHP & Co. along with the income tax return of VHP & Co., Balance Sheets, annual accounts along with the bank statements for the last five years.
- (ix) Respondent submits that he shall produce copy of the registered Sale Deed of the first floor of the property bearing No.B-1/167, Janakpuri as also all the rent agreements of the property including the first floor (which has now been sold) since 2012 till date. Said documents shall be filed with the Trial Court before 21.01.2019.
- (x) Petitioner submits that some of the above referred documents, filed by the Respondent, are not correct and are misleading and she shall be leading her evidence, before the Trial Court, qua the same.
- (xi) Petitioner submits that she has already filed the documents pertaining to the land in Village Landora, District Karnal, Haryana and she shall be summoning the Tehsildar of the said district to prove the documents.
- (xii) Petitioner further submits that incorrect medical

documents of the petitioner were initially produced by Rajiv Gandhi Cancer Institute & Research Centre. She submits that a corrigendum thereto was issued by the Medical Superintendent dated 27.03.2018. She submits that the said document has already been produced before the Trial Court, however, the Trial Court has not taken the same on record. Respondent, who appears in person, submits that the corrigendum was got manipulated by the petitioner.

- (xiii) Without getting into the controversy at this stage, it is agreed that in case either of the parties summon the Rajiv Gandhi Cancer Institute & Research Centre as a witness, the relevant record, as produced by Rajiv Gandhi Cancer Institute & Research Centre, would be taken into account by the Trial Court, if proved in accordance with law.
- (xiv) The cost of Rs.5,000/-, imposed on the petitioner, is waived and the observation of the Trial Court that the petitioner is seeking to delay the proceedings is expunged from the record.

8. Petitioner further submits that in view of the above directions, she does not wish to press her Revision petition which is pending before the Revisional Court, impugning order dated 15.10.2018 rejecting her application under section 91 Cr.P.C. and also does not

press her fresh application under section 91 Cr.P.C. pending before the Trial Court seeking production of records of Bank of India and they may be deemed to be dismissed as withdrawn.

9. Petitioner submits that in view of the above directions, she does not wish to press her petition for transfer of the case and submits, she shall now be leading her evidence before the Trial Court.

10. It is clarified that this Court has not expressed any opinion with respect to the order dated 25.10.2018 with regard to the petitioner's claim for stay of the sale of the property at Janakpuri.

11. Keeping in view of the fact that the proceedings have been substantially delayed, the Trial Court is directed to expedite the proceedings and endeavour to conclude the same expeditiously.

12. In view of the directions issued today, petitioner is permitted to file a fresh composite affidavit of evidence before the Trial Court, which shall be filed within two weeks of the respondent filing all the documents, as directed by this Court.

13. Petition is disposed of in the above terms.

14. Order *Dasti* under the signatures of the Court Master.

JANUARY 15, 2019
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SANJEEV SACHDEVA, J