

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Date of Order: February 13, 2019

+ CRL.M.C. 5757/2018 and CRL.M.A. 47338/2018

NARINDER KUMAR

..... Petitioner

Through: Nemo.

Versus

STATE OF NCT OF DELHI & ANR

.....Respondents

Through: Mr. Izhar Ahmad, Additional
Public Prosecutor for State
Mr. Arun Vohra, Mr. Dilip Kumar
and Mr. Pranay Mehta, Advocates
for Respondent No. 2

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

Petitioner is accused No.2 in complaint under Section 138 of Negotiable Instruments Act, 1881 and upon his appearance before the trial court, he had pleaded guilty, and it is so recorded in the order of 9th February, 2018. However, lateron while taking plea of mental illness, petitioner had filed an application seeking withdrawal of his plea of guilt and the said application has been rejected by trial court vide impugned order of 5th May, 2018.

Upon hearing and on perusal of impugned order and the material on record, I find that the trial court has observed that the plea of mental illness is vague and ambiguous and that petitioner is facing such kind of proceedings in numerous complaints.

In the peculiarity of this case, it is deemed appropriate to permit petitioner to withdraw his plea of guilt and allow him to file an application under Section 145(2) of Negotiable Instruments Act, 1881 within a period of four weeks from today. If it is so done, then trial court shall proceed further in accordance with law, while dealing with petitioner's application under Section 145(2) of Negotiable Instruments Act, 1881. Such a course is being adopted to prevent petitioner to prolong the proceedings under Section 138 of Negotiable Instruments Act, 1881. It is so said because none has appeared on behalf of petitioner when this matter is taken up for hearing.

Be that as it may. Let the respondent's complaint be tried expeditiously by the trial court. In case petitioner fails to appear before the trial court on the date fixed, i.e. 4th April, 2019 then trial court will proceed further as per law.

Petitioner and trial court be apprised of this order forthwith, to ensure its compliance.

With aforesaid directions, this petition is disposed of while not commenting on the merits of this case.

Dasti.

(SUNIL GAUR)
JUDGE

FEBRUARY 13, 2019
p'ma