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

+ CRL.M.C. 6456/2018

M/S SRI RAM & SONS PROTECTION
SERVICES PVT. LTD. & ANR.

..... Petitioners

Through Mr. Rahul Ranjan Verma and
Ms. Shreshta Kumar, Advocates

versus

STATE & ORS.

..... Respondents

Through Ms. Manjeet Arya, APP for the State
Ms. Manju Datt, Advocate for R-2

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

% **13.02.2019**

Since, the petitioner did not file an application under Section 145(2) Negotiable Instruments Act, 1880 ("the Act" for short) despite opportunities granted to him, the Trial court closed the opportunity of petitioner to file any such application. The revision petition has been dismissed by the learned Additional Sessions Judge, Delhi by the order impugned, hence, this petition under Section 482 Cr.P.C.

A perusal of impugned order shows that the petitioner had been delaying the matter. He did not take prompt steps to file the application. His conduct is also not above the board. Initially he did not appear in Court and was declared proclaimed offender vide order dated 8th September, 2017. Thereafter, he was arrested and granted bail on 13th September, 2017. Notice was framed on 6th March, 2017. Trial court gave an opportunity to petitioner to file the application under Section 145 (2) of the Act by 20th March, 2018. However, the application was not filed and the matter was adjourned to 8th May, 2018

subject to cost of ₹1,000/-. Though cost was paid but application was not filed, therefore, opportunity to file such application was closed.

In my view, the petitioner can be granted last opportunity to file an application under Section 145 (2) of the Act before the Trial Court as for the delay respondent no.2 can be compensated in terms of the costs.

In the interest of justice, petition is allowed and the petitioner is granted liberty to file the application under Section 145 (2) of the Act before the Trial Court within two weeks subject to however costs of ₹50,000/- to be paid by the petitioner to respondent no.2.

Petition is disposed of. Miscellaneous application is disposed of as infructuous.

Dasti.

A.K. PATHAK, J

FEBRUARY 13, 2019

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