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

+ **CRL.M.C. 1136/2020**

KARAN LUTHRA

..... Petitioner

Through: Mr. J.S. Bakshi, Advocate with Mr. A.S.
Bakshi, Advocate

Versus

REGISTRAR OF COMPANIES

..... Respondent

Through: Mr. Dilbagh Singh, Advocate

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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28.02.2020

CRL.M.A. 4441/2020 (Exemption)

1. Allowed, subject to all just exceptions.
2. The application stands disposed of.

CRL.M.C. 1136/2020 & CRL.M.A. 4440/2020 (Stay)

1. The present petition is filed challenging the impugned order dated 14.02.2020 passed by the Addl. Chief Metropolitan Magistrate whereby the right of the petitioner to lead defence evidence was closed.
2. Briefly, the facts of the case are that a complaint under Sections 220(3)/162 and 162 of the Companies Act, 1956, was filed by the respondent against the present petitioner as well as M/s Karan Bull Infratech Pvt. Ltd. and other accused persons for contravention of Section 220(1) & Section 159 of the Companies Act.
3. On 26.07.2019, the petitioner's statement was recorded under Section 313 Cr.P.C. and the matter was re-notified for defence evidence on 16.08.2019. Thereafter, the matter was re-notified on 20.09.2019 and 22.01.2020, as the Presiding Officer was on leave. On 14.02.2020, an

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exemption application was moved on behalf of the petitioner, stating that his mother was bedridden. While allowing the afore-mentioned application, the ACMM observing that no steps were taken to lead defence evidence, closed the DE (defence evidence). The matter was listed for final arguments.

4. Learned counsel for the petitioner submits that petitioner's mother is still seriously ill. He submits that the petitioner never asked for any adjournment and the only adjournment was on account of the fact that the Presiding Officer was on leave. He submits that one opportunity may be granted to the petitioner to lead DE. He further submits that the petitioner undertakes that no adjournment will be sought on the date so fixed by the trial court.

5. In view of the facts and circumstances of the case and subject to payment of cost of Rs.10,000/- to be deposited with the *Delhi High Court Legal Services Committee*, within one week, the impugned order dated 14.02.2020 is set aside and the trial court is directed to fix one date for defence evidence. On that date, learned counsel for the petitioner shall not seek any adjournment.

6. With above directions, the petition is disposed of alongwith pending application.

7. A copy of this order be communicated to the trial court.

8. *DASTI.*

MANOJ KUMAR OHRI, J

FEBRUARY 28, 2020/p'ma