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

+ **W.P.(CRL) 1129/2020, CRL.M.A. 9915/2020 & CRL.M.A. 9916/2020**

MS SAMSUN INTERNATIONAL

.....Petitioner

Through: Mr.Kirti Uppal, Sr. Advocate with
Mr.Vishesh Wadhwa, Ms. Aarushi
Sahrawat, Mr.Aneesh Renganathan,
Advocates.

Versus

THE STATE NCT OF DELHI & ANR.

.....Respondent

Through: Ms.Richa Kapoor, ASC for State.
None for R-2.

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

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27.07.2020

(hearing through Video Conferencing)

CRL.M.A. 9915/2020 & CRL.M.A. 9916/2020 (Ex.)

Exemption allowed subject to all just exceptions.

The application stands disposed of.

W.P.(CRL) 1129/2020

Vide the present petition, the prayers made by the petitioner are to
the effect:-

*“i. To issue an appropriate writ, order and/or direction in the
nature of Mandamus or any other appropriate writ in the favor
of Petitioner issuing appropriate directions to the trial court
being the Court of Ld. Metropolitan magistrate, Tis hazari
Courts, New Delhi allowing hearing of matter titled ‘M/S*

Samsun International v. M/s GN Enterprises” bearing CC No. 2469/2018 under the Negotiable Instruments Act, 1881 and matters of the similar kind pending before the concerned Trial Courts, under the category of ‘Urgent’ circumstances thereby directing the trial court to further direct the State (Respondent No.1) to issue summons, executeailable or non-bailable warrants and to file status reports where the accused persons have failed to appear and have deliberately evaded the service, and/or;

ii. To issue an appropriate writ, order and/or direction in the nature of Mandamus or any other appropriate writ in the favor of Petitioner framing necessary guidelines/ directions for the Respondent No. 1 with respect to the arrest of the apprehending the Respondent no. 2 or the accused person(s) of the kind and execution of warrants against the Respondent No. 2 and accused person(s) of the kind, deliberately evading service in matters under the Negotiable Instruments Act, 1881, and producing them before the concerned trial court through Video Conference or any other mode convenient to the Hon’ble Court, and/or;

iii. To issue any other order, direction or relief which this Hon’ble Court may deem fit and proper in the peculiar facts and circumstances of the case.”

It is apparent on a bare perusal of the petition that the prayers that are made by the petitioner are to the effect that the matters in relation to the Negotiable Instruments Act, 1881 be taken up in the category of urgent matters falls within the administrative domain of the Hon’ble Chief Justice of this Court qua which learned senior counsel for the petitioner submits that the petitioner would move an appropriate representation and seeks to withdraw the present petition in relation thereto seeking liberty to make such representation.

As regards the prayer that has been made on behalf of the petitioner seeking directions to the learned Trial Court to issue summons, executeailable or non-bailable warrants are also prayers which fall within the domain of the concerned Trial Court.

Learned senior counsel thus, seeks to withdraw the petition even in relation to the said aspect to seek redressal before the learned Trial Court.

The petition is thus dismissed as withdrawn with liberty granted, as prayed.

ANU MALHOTRA, J

JULY 27, 2020
'neha chopra'