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

+ **CRL.L.P. 108/2024**

AKHIL YADAV

.....Petitioner

Through: Mr. Unmukt Gera, Adv.
(through VC)

versus

SANDEEP

.....Respondent

Through: Mr. V. Madhukar, Mr.
Rakesh Sharma, Mr.
Cheena Chaudhary, Mr.
Bharat Sharma and Ms.
Sakshi, Advs. with the
respondent in person.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

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20.12.2024

1. The present petition is filed challenging the judgment dated 19.08.2023 (**impugned judgment**), passed by the learned Presiding Officer, Special Court (NI Act), South West, Dwarka in CC No. 14973/2017.
2. The record indicates that the matter was listed before the Presiding Officer, who passed the impugned order, for the first time on 11.08.2023. Prior to that, the matter was heard by predecessor Presiding Officer on different dates.
3. The order sheet indicates that on 11.08.2023, no Advocate was present and only the parties were present in person in Court.
4. The learned Presiding Officer noted that no time was left and put the matter for judgment on 19.08.2023.
5. Thereafter, the impugned judgment was pronounced wherein in Paragraph 11, it was noted that final arguments were heard.



6. The said recording is *ex facie* incorrect since the only opportunity for hearing the arguments by the learned Presiding Officer prior to 19.08.2023 was on 11.08.2023 when, as indicated in the order sheet, no Advocate was present on behalf of the parties. The matter on 11.08.2023 was put up for 19.08.2023 for judgment, therefore, the recording that the arguments have been heard on behalf of the parties is erroneous.

7. The impugned judgement is, therefore, passed without complying with the principles of natural justice.

8. The impugned judgement is, therefore, set aside and the matter is remanded back to the concerned Trial Court, at the stage as obtaining on 11.08.2023, for hearing the arguments afresh and pass a final judgment uninfluenced by the observations made in the impugned judgment.

9. A copy of this order be sent to the Principal District and Sessions Judge, Dwarka for fixing a date before the concerned Trial Court.

10. The present petition is disposed of in the aforesaid terms.

AMIT MAHAJAN, J

DECEMBER 20, 2024

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