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

+ **CRL.M.C. 1157/2022 & CRL.M.A. 5025/2022**

EASTERN TRADING CORPORATION

.....Petitioner

Through: Ms. Kinnori Ghosh, Advocate.

versus

STATE OF NCT DELHI

.....Respondent

Through: Ms. Richa Dhawan, APP for the State
Mr. Vineet Kumar Singh, Advocate
for R-2.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

% **15.07.2024**

1. The Petitioner has approached this Court with the following prayers:-

“A. Quash the impugned order dated 08.03.2022 passed by Ld. ASJ, Ms. Ravinder Bedi, E- Court, Shahdara, Karkardooma Courts, Delhi.

B. Call for the record of the case pending in CT Case. 1709/17.

C. After perusing the record and examining the same, may graciously be pleased to quash the orders dated 19.07.2019 and 25.02.2020 issued by LD. CMM, Shahdara, Karkardooma Courts;

D. Quash the Non-Bailable Warrants issued against the Petitioner vide order dated 19.07.2019 passed by Ld. CMM, Shahdara, Karkardooma Courts,

E. Pass any further order(s) as this Hon'ble may deem fit.”



2. Material on record discloses that these proceedings emanate from Section 138 Negotiable Instruments Act which were initiated against the Petitioner on 19.08.2017 and *vide* Order dated 25.02.2020, learned CMM, Karkardooma Courts issued process for under Section 82 CrPC against the Petitioner.
3. After the proceedings under Section 82 CrPC had been initiated against the Petitioner, the Petitioner filed an application for suspension/stay of the Proclamation Proceedings and the learned CMM *vide* Order dated 28.09.2021, on finding that the Petitioner has come with unclean hands to the Court inasmuch as the process had already been served and the accused was not present in Court, the learned Trial Court refused to stay/suspend the proceedings under Section 82 CrPC.
4. The same was challenged by the Petitioner by filing a revision petition being Crl. (R) No.73/2021 before the learned Additional Sessions Judge-02, Karkardooma Courts, Delhi. Finding that the revision is not maintainable because the order under Section 82 CrPC is an interlocutory order, the revision petition has been dismissed by the learned Additional Sessions Judge *vide* Order dated 08.03.2022. All these orders are under challenge before this Court.
5. Material on record discloses that the Petitioner has deposited a sum of Rs.2 lakhs in court.
6. Learned Counsel for the Petitioner states that the Petitioner is now regularly appearing before the Trial Court and undertakes unless prevented by unforeseen circumstances, the Petitioner shall continue to appear before the Trial Court in every date of hearing.
7. Considering the fact that the proceedings have been initiated in the



year 2017 and six years have passed, the Trial Court is requested to expedite the hearing of the matter and complete the trial at the earliest.

8. In view of the fact that the Petitioner has undertaken to appear before the Trial Court and the purpose of initiating proceedings under Section 82 CrPC has been achieved, this Court, with a direction that the accused shall appear before the Trial Court on every date of hearing, is inclined to set aside the Order dated 08.03.2022 passed by the learned Additional Sessions Judge refusing to stay/suspend the proceedings under Section 82 CrPC.

9. With these observations, the petition is disposed of along with pending application(s), if any.

SUBRAMONIUM PRASAD, J

JULY 15, 2024

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