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

+ **CRL.M.C. 2399/2024**

GEETI BHAGAT

..... Petitioner

Through: Mr.Vaibhav Gaggar and
Mr.Mrityunjay Mahendra,
Advs.

versus

STATE OF NCT DELHI & ORS.

..... Respondents

Through: Mr.Satinder Singh Bawa, APP

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

% **22.03.2024**

CRL.M.A. 9191/2024 (Exemption)

1. Allowed, subject to all just exceptions.

CRL.M.C. 2399/2024

2. This petition has been filed under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 (in short, 'Cr.P.C'), seeking directions for pronouncement of the judgment in Criminal Complaints filed by the petitioner under Sections 138 and 141 of Negotiable Instruments Act, 1881.

3. It is the case of the petitioner that the learned Presiding Officer, after hearing the final arguments on behalf of the petitioner /complainant and the Respondent no.2, had reserved the cases for judgment on numerous dates between 22.03.2022 and 02.06.2023, however, the learned Presiding Officer, for the sole reason of non-appearance of respondent nos. 2 and 3, has not pronounced the judgment stating that doing so would be a contravention to settled



principles of law.

4. The learned counsel for the petitioner submits that the judgment can be pronounced even in the absence of the respondent nos.2 and 3 if it is found that they are intentionally avoiding appearing before the learned Trial Court. In support, he places reliance on the judgment of the High Court of Gujarat in *Shared Jethalal Savla v. State of Gujarat & Ors.* 2016 SCC OnLine Guj 10218. He submits that he would be making submissions in this regard before the learned Trial Court.

5. On the other hand, the learned APP points out that the judgment cannot be pronounced in the absence of the accused persons. In support, he places reliance on the judgment of the Supreme Court in *Ajay Singh and Anr. v. State of Chhattisgarh and Anr.* (2017) 3 SCC 330.

6. In view of the above submissions, the learned Trial Court is directed to hear arguments on the above issue raised by the learned counsel for the petitioner, and if convinced that such judgment can be pronounced even in absence of the accused, proceed to pronounce the judgment.

7. It is made clear that this court has not expressed any opinion on the merit of the above submissions.

8. The petition is disposed of with the above direction.

NAVIN CHAWLA, J

MARCH 22, 2024/ns/am

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