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

+ CRL.M.C. 2847/2024 CRL.M.A. 37520/2024

VIKRANT R SHARMAPetitioner

Through: Mr. Yog Verdhan, Advocate.
(thru VC)

versus

STATE(NCT OF DELHI)Respondent

Through: Mr. Aman Usman, APP for State

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

% **12.12.2024**

1. This petition has been filed against the impugned order dated 29th November 2023 passed by the Metropolitan Magistrate (“MM”) (South) Saket Courts, New Delhi.
2. The MM was hearing a matter related to FIR No.290/2015 PS Malviya Nagar and on 29th November 2023, the matter was listed for prosecution evidence.
3. Petitioner is a practicing lawyer and was engaged by accused Anil Kumar, who was facing trial in FIR No.290/2015. A request was made on behalf of counsel for accused (petitioner herein) that he will reach the Court by 12:30 pm as he was out of station, appearing in District Kupwara, Kashmir, details of which he has given in para 3 of this petition.
4. Petitioner reached Delhi airport in the morning at about 10:00 am and sent an email to the concerned Court to *passover* the matter for 12:30 pm. The matter was called out at 12:35 pm and since the petitioner i.e. counsel



for accused was not available, as he was slightly delayed, the Court deemed it appropriate to send a notice to the Bar Council of Delhi, with direction to take action against the counsel for accused/petitioner.

5. The petitioner's counsel appears through VC and states that he reached the Court at about 12:40 pm and came to know that the Court had already dictated the impugned order. He requested for recording of his appearance in the matter but was told to check the order online.

6. Considering the facts and circumstances of the matter, this Court had stayed operation of impugned order, by previous order dated 9th April 2024.

7. APP for the State has no objection to the direction for sending notice to the Bar Council of Delhi, to be set aside.

8. Accordingly, having considered the overall facts and circumstances and having appreciated the contentions made by the petitioner in person, this Court is of the view that there was a delay of about 5 minutes by the petitioner, in reaching the Court, and did not merit issuance of notice to Bar Council, especially when he had appeared later before the Court and explained his situation.

9. Accordingly, directions passed by the impugned order sending notice to the Bar Council of Delhi, are hereby set aside.

10. Copy of this order be sent to the Bar Council of Delhi as well, for information and compliance.

11. Petition stands disposed of with these directions. Pending applications, if any, are disposed of as infructuous.

12. Order be uploaded on the website of this Court.

ANISH DAYAL, J

DECEMBER 12, 2024/sm