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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(CRL) 1254/2021

MANISH KUMAR JAIN

.....Petitioner

Through: Mr. Ritesh Singh, Adv.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Ms. Amrita Prakash, CGSC for R-1&2
Mr. Varun Mishra, Senior Standing
Counsel with Mr. Aranya Sahay, Adv.
(M-9654875173)

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE AMIT SHARMA

ORDER

% **09.07.2024**

1. This hearing has been done through hybrid mode.
2. The present writ petition has been filed on behalf of the Petitioner-Mr. Manish Kumar Jain under Article 226 of the Constitution of India. *Vide* this petition, the Petitioner seeks to challenge the detention order dated 15th January, 2021 as also the order dated 21st May, 2021, issued by the Conservation of Foreign Exchange and Prevention of Smuggling Activities (COFEPOSA) Authorities, Ministry of Finance, Department of Revenue, Central Economic Intelligence Bureau.
3. In the present petition, *vide* order dated 2nd November, 2023, the Petitioner was directed to remain present in the Court and it was directed that no coercive steps shall be taken against the Appellant. The relevant portion of the said order is extracted hereinunder:

“Petitioner is directed to remain present in Court on the next date of hearing, however, till then, no coercive steps shall be



taken against the appellant by the respondents.”

4. On 12th January, 2024, the Court recorded that the Petitioner is not present in Court. However, on the said date, Id. Counsel for the Petitioner submitted that the Petitioner is in Dubai and would remain present in Court on the next date of hearing. Subsequently, the Court recorded that if the Petitioner is not physically present in Court on the next date of hearing, the present petition may be dismissed. The extract of the said order reads as under:

“xxx xxx xxx

W.P.(CRL) 1254/2021

1. Pursuant to order dated 02.11.2023, petitioner is not present in Court. However, learned counsel for the petitioner submits that petitioner is in Dubai and would remain present before this Court on the next date of hearing.

2. Accordingly, re-notify on 16th February, 2024.

3. Petitioner shall be physically present in Court on the next date of hearing, failing which, the present petition may be dismissed.”

5. The orders dated 2nd November, 2023 and 12th January, 2024 were challenged before the Hon’ble Supreme Court in **SLP(Criminal) No. 3117-3118/2024** titled **Manish Kumar Jain v. Union of India and Ors.**, SLP (Criminal) Diary No. 6802/2024 in which the following order was passed:

“Delay condoned.

The case of the petitioner is pending before the Delhi High Court where he seeks exemption from his personal presence as he is staying in Dubai. All the same after having going through the impugned order, we find that it is the petitioner who is represented through his counsel and had made a commitment that the petitioner is in Dubai and would remain present before the High Court on the next date of hearing.



Having gone through this fact and the order therein, we are not inclined to interfere with the order passed by the High Court.

The Special Leave Petitions are accordingly dismissed. Pending application(s), if any, shall stand disposed of.”

6. On a perusal of the order of the Hon’ble Supreme Court extracted hereinabove, it can be seen that the Hon’ble Supreme Court has clearly recorded the commitment made on behalf of the Petitioner through Counsel that he would remain present in Court on the next date of hearing.

7. The present matter was adjourned on 20th March, 2024 at the request of the Id. Counsel for the Petitioner. On 15th April, 2024, it was again recorded by the Court that if the Petitioner is not present in Court on the next date of hearing, this case would be dismissed. The order dated 15th April, 2024 is extracted hereunder for a ready reference:

“1. Despite directions issued vide last order dated 12.01.2024, the petitioner is not present in Court. However, learned counsel appearing on behalf of the petitioner assures the Court that the petitioner will positively remain present on the next date of hearing.

2. At his request, list on 09.07.2024.

3. However, it is made clear that if the petitioner is not present on the next date of hearing, the present petition shall stand dismissed.”

8. Today, contrary to several orders passed by this Court in the present case as noted hereinabove, the Petitioner is not present in Court. The Id. Counsel for the Petitioner again seeks an adjournment.

9. In the opinion of this Court, sufficient accommodation has already been granted to the Petitioner for appearing before the Court. Clearly, the Petitioner is not intending to comply with the orders passed by this Court. The orders of



this Court and also of the Hon'ble Supreme Court are absolutely clear to the effect that the Petitioner has to appear before the Court.

10. Since there is no appearance of the Petitioner even after multiple directions of the Court, the petition is dismissed and disposed of accordingly.

11. Pending applications, if any, also stands disposed of accordingly.

PRATHIBA M. SINGH, J.

AMIT SHARMA, J.

JULY 9, 2024

Rahul/Rks/NS