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

+ **CRL.REV.P. 616/2023 & CRL.M.A. 9033/2024**

ALLIANCE BOOK SUPPLIERS

PVT LTD & ORS.

..... Petitioners

Through: Mr. Debabrata Dhar & Mr.
Sukesh Ghosh, Advs.

versus

MAULANA AZAD INSTITUTE OF

DENTAL SCIENCES MAIDS & ANR. Respondents

Through:

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

% **21.03.2024**

1. The present application has been filed by the petitioner seeking stay of the order dated 14.02.2024, passed by the learned Metropolitan Magistrate-05 (NI Act), Tis Hazari Courts, Delhi ('MM') in CC No. 20697/2018. By the impugned order dated 14.02.2024, the petitioner Nos. 2 to 4 were declared as absconder under Section 82 of the Code of Criminal Procedure, 1973 (CrPC). The petition was initially filed being aggrieved by the issuance of non-bailable warrants.

2. This Court had issued notice in the present petition. However, had not stayed the proceedings before the learned Metropolitan Magistrate.

3. This Court in the present petition had not issued the notice and the matter was adjourned from time to time at a request being made by the learned counsel for the petitioner.

4. The learned MM by its order dated 31.03.2023 had issued process under Section 82 of the Cr.PC noting that no reason for exemption from appearance has been given by the accused



persons.

5. The learned counsel for the petitioner submits that Petitioner No. 2 & 3 are residents of West Bengal and Petitioner No. 4 is a housewife. He submits that they were under *bona fide* belief that since the petition is pending before this Court, they are not required to appear in person before the learned Trial Court. He on instructions submits that the Petitioner Nos. 2 & 3 would appear before the learned Trial Court as and when directed by this Court and they have no intentions to evade the proceedings. He further contends that the cheque amount has already been paid.

6. He lastly contends that the petitioners would be satisfied if the present proceedings are disposed of by giving a last opportunity to the petitioners to appear before the learned Trial Court.

7. I have perused the orders passed by the learned Trial Court from time to time. It is apparent that petitioners despite being aware of the proceedings had failed to appear before the learned Trial Court without any reason.

8. In such circumstances, this Court finds no infirmity in the orders passed by the learned Trial Court. However, considering the fact that Petitioner No. 2 & 3 are residents of West Bengal and Petitioner No. 4 is a woman, interest of justice, would be served if the petitioners are given one last opportunity to appear before the learned Trial Court, subject to the respondent / complainant being compensated.

9. In view of the above, the present petition is disposed of and the petitioners are permitted to appear before the learned Trial Court on 03.04.2024.

10. The proceedings in relation to Section 82 CrPC shall be



kept in abeyance till 03.04.2024.

11. The petitioners are directed to pay a cost of ₹50,000/-to the respondent within a period of one week from today.

12. List before the learned Trial Court on 03.04.2024 for further proceedings.

13. The petition is disposed of in the aforesaid terms.

14. Pending application(s) stand disposed of.

15. Date already fixed that is 26.04.2024 stands cancelled.

AMIT MAHAJAN, J

MARCH 21, 2024
“SK”