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

+ **CRL.M.C. 4205/2023, CRL.M.A. 15787/2023**

KRANTI VALLABHNENI

.....Petitioner

Through: Mr. Sunny Kumar and Mr. Prateek
Raushan, Advs.

versus

STATE OF NCT OF DELHI AND ANR.Respondents

Through: Mr. Yudhvir Singh Chauhan, Adv.
Insp Kedar Yadav , PS -IGI Airport

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

08.10.2024

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1. The instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 (hereinafter "Cr.PC") (Section 528 of Bhartiya Nagrik Suraksha Sanhita) on behalf of the petitioner seeking the following reliefs:

“(a) call for the records of CC No. 43136/2016 titled as State Vs. Kranti Vallabhneni from the court of Ms. Komal Garg, Ld. Metropolitan Magistrate, (Mahila Court) Patiala House Courts, New Delhi

(b) set aside the order dated 28.03.2023 passed in CC No. 43136/2016 titled as State Vs. Kranti Vallabhneni from the court of Ms. Komal Garg, Ld. Metropolitan Magistrate, (Mahila Court), thereby application of petitioner filed u/s 188 CrPC has been dismissed and fresh NBWs also issued against the petitioner herein

(c) protect and permit the petitioner to appear before the 1d.



Trial court through VC.”

2. Learned counsel appearing on behalf of the petitioner submitted that the instant petition has been filed seeking setting aside of the impugned order dated 28th March, 2023 passed in CC No. 43136/2016 (*State vs. Kranthi Vallabhneni*) by the Court of learned Metropolitan Magistrate, (Mahila Court), Patiala House Courts, New Delhi by virtue of which the petitioner's application under Section 188 Cr.PC was dismissed.
3. It is submitted that vide order dated 20th January, 2023, the learned Metropolitan Magistrate issued Non-Bailable Warrants (hereinafter “NBWs”) against the petitioner pursuant to which the petitioner had filed an application under Section 188 of the Cr.PC, thereby, praying before the Court concerned to not to proceed with the trial on the ground of non-compliance of Section 188 Cr.PC. It is also submitted that the learned Metropolitan Magistrate dismissed the aforesaid application vide the impugned order and further issued fresh NBWs against the petitioner.
4. It is submitted that since the petitioner is residing in the USA and it is not possible for him to appear physically before the Court concerned, the petitioner may be permitted to appear before the learned Metropolitan Magistrate through virtual mode (VC). Further, the learned counsel appearing on behalf of the petitioner, on instructions, undertakes that the petitioner shall join the proceeding physically as well in case the same is required by the Court concerned for appropriate adjudication in the trial.
5. *Per Contra*, the leaned APP appearing on behalf of the State vehemently opposed the instant petition, but has not opposed the submissions made by the petitioner that he may be allowed to appear in



general before the Court concerned through VC from the USA and whenever it is required by the Court concerned, the petitioner shall appear before the Court physically.

4. Heard the learned counsel appearing on behalf of the parties and perused the material available on record.

5. Upon perusal of the contents made in the instant petition as well as in the impugned order, it is observed by this Court that the petitioner is residing in the USA. Furthermore, during the course of proceedings, an undertaking has been given before this Court by the petitioner through his counsel that he may be allowed to appear before the Court concerned through VC and if required by the Court concerned to appear physically, he shall be physically present.

6. Considering the undertaking given on behalf of the petitioner as well as no objection given on behalf of the learned APP appearing for the State, this Court is inclined to allow the prayer as made by the learned counsel for the petitioner hereinabove.

7. In view of the aforesaid circumstances, the impugned order dated 28th March, 2023 passed in CC No. 43136/2016 by the learned Metropolitan Magistrate is modified to the extent that the NBWs issued against the petitioner vide the said order stands cancelled/discharged. In view of the same, the petitioner is directed to appear through VC on each and every date before the Court concerned and in the event the Court concerned is of the view that the petitioner is required to appear physically before it, he shall be physically present before the Court concerned for appropriate adjudication in the trial.

8. Accordingly, the instant petition stands disposed of in view of the



aforesaid terms.

9. Pending applications, if any, also stands dismissed.

CHANDRA DHARI SINGH, J

OCTOBER 8, 2024

Tp/sm

[Click here to check corrigendum, if any](#)