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

+ **CRL.M.C. 4860/2024**

SANJU KAPOOR

..... Petitioner

Through Mr. Mohit Chaudhary, Mr.
Kunal Sachdeva, Mr. Aashish
Arya and Ms. Vaishali Shukla,
Advs.

versus

STATE OF NCT OF DELHI AND ANR. Respondents

Through Ms. Shubhi Gupta, APP for the
State with IO/Inspector
Sandeep Maan PS: EOW
Mr. Hrishikesh Baruah and Mr.
Sundeeep Goel, Advs. for R-2

CORAM:

HON'BLE MR. JUSTICE DHARMESH SHARMA

ORDER

% **26.06.2024**

1. This hearing is being conducted through hybrid mode.

CRL.M.A. 18462/2024 (Ex.)

2. Allowed, subject to all just exceptions.

3. The application shall stand disposed of.

CRL.M.C. 4860/2024

4. The Investigating Officer (IO)/Inspector Sandeep Maan from the PS Economic Wing Offence (EOW) is present. The detailed Status Report is filed and the same is taken on record.

5. However, it is brought out that the IO was not able to find out if the petitioner was treated in R.M.L. Hospital on 25.05.2024. It is reiterated that there was no record with regard to the medical treatment availed by the petitioner in R.M.L. Hospital in the nature of



data entry in the record of the hospital.

6. Be that as it may, a bare perusal of the impugned order dated 24.05.2024 would show that although the petitioner did not appear on the first call, he was present on the second call through video conferencing.

7. It is also submitted by the learned counsel for the petitioner that the present FIR was registered on 27.04.2016 and the chargesheet came to be filed sometime in the year 2022. It is pointed out that there have been no blemishes on the part of the petitioner with the exception of not appearing before the Court on one occasion when he had gone out of India without seeking permission of the Court. Anyhow, it is pointed out that the said aspect was also dealt with by the learned CMM vide order dated 25.07.2023.

8. Considering that at the time when the aforesaid impugned order was passed, Delhi was experiencing a heat wave and considering that the photographs which are placed on the record, which evidently show that the petitioner was admitted and availed medical treatment from a doctor who is stated to be his friend, on the date fixed, and it appears that there was no ulterior motive on his part in not physically appearing before the Court. It may not be out of place to mention that the proceedings before the learned Court are only at the stage of scrutiny of documents in terms of Section 205 r/w Section 317 Cr.PC and no substantive proceedings were supposed to have taken place, except for the supply of documents forming part of the chargesheet.

9. In view of the foregoing discussion, the present application is allowed, the impugned order dated 24.05.2024 passed by the learned CMM is set aside in so far as it restricts the petitioner from travelling abroad in terms of the previous orders of the learned MM.



10. In view of the above, the petitioner shall be at liberty to apply for permission to go abroad afresh before the learned CMM, which be considered in accordance with law.

11. The petition is disposed of accordingly.

12. As requested, a copy of this order be given *dasti*.

DHARMESH SHARMA, J.
(VACATION JUDGE)

JUNE 26, 2024

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