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

+ **CRL.M.C. 5536/2024 & CRL.M.A. 21121/2024**

VINOD KUMAR MITTAL

.....Petitioner

Through: **Mr. Shashank S. Mangal, Adv.**

versus

MODEX INTERNATIONAL SECURITIES LTD & ORS.

.....Respondents

Through:

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

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22.07.2024

CRL.M.A. 21121/2024 (Exemption)

1. Exemption allowed subject to just exceptions.
2. Application stands disposed of.

CRL.M.C. 5536/2024

1. This petition has been filed seeking directions that the Complaint Case No.5471/2020 pending before the MM, Central District, Tis Hazari Courts, Delhi is disposed of an expeditious manner. The petitioner is a senior citizen and is the complainant in this and had filed a complaint under Section 138 of the NI Act regarding a cheque of Rs.55 Lacs, given by the accused in relation to an investment and financial returns promise.



2. A perusal of the order-sheets would show that the summons were issued on 02nd September, 2021. Subsequently, bailable warrants were issued on 04th April, 2022 against accused Nos.2, 3 and 4. Accused No.3 appeared on 04th June, 2022 and stated that accused No.2 had passed away. Bailable warrants against accused No.4 were received back. On 27th August, 2022, death verification report of accused No.2 was received and accordingly the proceedings stood abated.
3. Accused No.1/company was going through an insolvency proceeding and, therefore, as per the moratorium under Section 14 of the IBC the proceedings against the accused company were stayed. Notices under Section 251 Cr.P.C. were framed on 01st October, 2022. On that day, an application under Section 143A of the NI Act was filed by the complainant to which a reply was directed.
4. It was noted on 30th November, 2022 that accused No.3 was arrested in FIR No.195/2020 PS EOW and production warrants were issued. The application under Section 143A of the NI Act was kept pending for consideration.
5. Various adjournments were taken by the counsel for accused No.3 on subsequent dates. It is noted that the counsels for accused No.3 changed on multiple occasions, as is evident from order dated 14th April, 2023, 02nd September, 2023 and 05th June, 2024.
6. Besides, various opportunities have been given to file a reply to Section 143A of the NI Act application. However, neither has the application been heard nor has the cross-examination been commenced.



7. Counsel for accused No.4 has stated that he will cross-examine only after cross-examination concludes on behalf of accused No.3. The matter is listed on 30th August, 2024 before the Trial Court.
8. In these circumstances, there seems to have been dilation in these proceedings for no fault of the complainant. The Trial Court is therefore requested to proceed with the matter expeditiously and curtail the long rope given in particular to accused No.3 on account of multiple change of counsels and not filing pleadings in time.
9. The trial may preferably be completed within a period of six months.
10. Petition is disposed of.
11. Order be uploaded on the website of this Court.

ANISH DAYAL, J

JULY 22, 2024/MK