



\$~66

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

+ **CRL.M.C. 6662/2024, CRL.M.A. 25418/2024 (stay)**

ABHISHEK

.....Petitioner

Through: Mr. Rishi Bhardwaj, Mr. Lalit, Mr. Prashant Bhardwaj, Mr. Aditya Pratap Singh and Mr. Rahul Mehalwal, Advocates.

versus

GOVERNMENT OF NCT OF DELHI

.....Respondent

Through: Ms. Richa Dhawan, APP for the state with Vijay Kumar Singh, ACP/Mehrauli and SI Sandeep Kumar, P.S. Ambedkar Nagar.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

%

27.08.2024

CRL.M.A.25419/2024 (Exemption)

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of.

CRL.M.C. 6662/2024 (under Section 528 of BNSS, 2023 filed by the petitioner seeking setting-aside the Order dated 09.08.2024, passed by the learned ASJ, Saket Court, New Delhi)

3. The Petition under Section 528 of B.N.S.S., 2023 has been filed on behalf of the petitioner seeking setting aside of the Order dated 09.08.2024, passed by the learned ASJ-03 (South), Saket Court, New Delhi whereby the learned ASJ has dismissed the application filed by the petitioner seeking



cancellation of Non-Bailable Warrants in FIR No. 589/2020 for the offence under Section 3(1) (II), 3(2), 3(3), 3(4) and 5 of MCOCA, 1999.

4. It is submitted in the Petition that the petitioner never had any knowledge about the pending case and had never put in an appearance despite which, the NBWs have been issued against him. He was earlier residing at House No. C-1/781, Madangir, New Delhi but has shifted to House No. H-1/27, Madangir, New Delhi-68.

5. The Investigating Officer has submitted the **Status Report** wherein it is submitted that the earlier address as was available with the Investigating Officer at the time of registration of FIR, is not the address at which the petitioner is residing. His present address given in his affidavit, is also not his place of residence which is confirmed by the Investigating Officer. The statement of Ms. Arti, the mother and Ms. Taruna, the wife, were recorded who have stated that they have never resided at the two addresses, which have been given by the petitioner. The cancellation of NBWs is, therefore, opposed.

6. **Submissions heard.**

7. It is a case under the provisions of MCOCA, which do not provide for any Anticipatory Bail. Admittedly, the petitioner has never appeared before the learned Trial Court and the NBWs have been issued against him, to secure his presence. The petitioner instead of moving an appropriate Bail Application before the Court of learned ASJ, has come to seek cancellation of NBWs. He is not giving the correct addresses of his residence nor has he informed the Investigating Officer about the same. His claim that the Investigating Officer is also I.O in another case in which the petitioner has been appearing and is aware of his whereabouts, cannot be any reason to



exempt or excuse for non-appearance in the present case.

8. There is no ground made out for cancellation of NBWs, which is hereby dismissed.

9. The Petition is disposed of accordingly. The pending applications also stand disposed of.

NEENA BANSAL KRISHNA, J

AUGUST 27, 2024/RS