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

+ **CRL.REV.P. 1158/2024 & CRL.M.(BAIL) 1580/2024**

MAHENDER KUMAR

.....Petitioner

Through: Ms. Shobhna Aggarwal &
Mr. Anshul Garg, Advocates
Petitioner produced from JC

versus

M/S G.M. KIRYANA COMPANY

.....Respondent

Through: appearance not given.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

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01.10.2024

1. Pursuant to order dated 30th September 2024, Mr. Mahender Kumar, petitioner has been produced through VC from Tihar Jail and is duly identified by Jail Warden Balian Singh No. 1866.
2. Petitioner states that, as per his undertaking, amount of Rs.2 lakhs stands paid to the complainant and the balance amount of Rs.3,10,000/- is handed over to the complainant who is present in the Court today, who duly confirms the same.
3. Counsel for complainant has handed up a list of dates and events showing that the proceedings before the Trial Court were unnecessarily dilated by the accused time and again which is evident from the order-sheets that have also been filed. This set of documents be placed on record of this Court.



4. He further contends that not only were repeated adjournments sought by accused but also when request was made for matter to be taken up at 2 pm, he never showed up. Further, on 1st December 2022, accused closed his evidence in the matter in presence of his counsel and matter was listed for final arguments. However, on 4th January 2023, he moved an application under Section 311 Cr.P.C. stating that he incorrectly closed his evidence in presence of his proxy counsel. Subsequently, repeated costs had been imposed on him, as is noted in order dated 25th September 2023.

5. Notably, the same order notes that a submission was made that a revision petition had been filed against the order dated 4th May 2023, however, no filing number or any information was given of the petition before the High Court. This petition before the High Court was preferred in 2024 and therefore complainant's counsel states that a wrong statement had been made. In these circumstances, counsel for complainant pleads for litigation costs in the said matter.

6. Counsel for petitioner states that these aspects were subsumed in the fine decided by the trial court.

7. However, keeping in mind these facts and circumstances, and that complainant has received Rs.5,10,000/- for a dishonoured cheque of Rs.3,60,000/- which was tendered in 2019, in the interests of justice a further amount towards litigation costs of Rs.50,000/- shall be paid to the complainant.

8. Since amount of approximately Rs.65,000/- is lying deposited before the Appellate Court, the said amount shall be released in favour



of the complainant to the extent of Rs.50,000/- and balance amount shall be provided back to the petitioner.

9. The petition is disposed of in these terms; the complaint accordingly stands compounded.

10. Pending application is rendered infructuous.

11. The petitioner will be therefore released from custody, upon steps being taken by the petitioner.

12. Copy of this order be sent to the Jail Superintendent.

13. Copy of order be given *dasti* under signature of the Court Master.

14. Order be uploaded on the website of this Court.

ANISH DAYAL, J

OCTOBER 1, 2024/sm