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

+ **CRL.M.C. 8887/2024 & CRL.M.A. 33971/2024-STAY**

BEST VIEW PROPERTIES LTD & ORS.

.....Petitioners

Through: Mr. Tanmaya Mehta, Mr. Karan
Nagrath, Mr. Ambuj Tiwari, Advs.

versus

STATE (GOVT. OF NCT OF DELHI) & ANR.Respondents

Through: Mr. Sunil Kumar Gautam, APP for
the State
Mr. Subash Kamboj, Adv.

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

13.11.2024

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CRL.M.A. 33972/2024-EX.

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

CRL.M.C. 8887/2024

3. This is a petition filed under Section 528 of BNSS (erstwhile Section 482 of CrPC) seeking setting aside of the order dated 03.05.2023 passed by the learned PO, Special Court (NI Act), South West District, Dwarka Courts in Ct. Cases 5005783/2016.
4. As per the impugned order, the right of the petitioners to lead defence evidence was closed.
5. Mr. Mehta, learned counsel for the petitioners states that there has been delay in leading defence evidence but the same was on account of the



fact that the petitioner No. 2, who is actively taking care of the management of the petitioner No. 1 company, was incarcerated between 24.12.2019 and 26.02.2021 in another proceedings. After release it took him some time to put the house in order, attend various judicial proceedings and tend to his professional work. Hence, the delay.

6. The petitioners are contesting proceedings under Section 138, Negotiable Instruments Act, 1881 wherein the punishment is imprisonment for a maximum period of 2 years.

7. I am of the view that the petitioners must be given every opportunity for a fair trial.

8. For the said reasons, issue notice.

9. Mr. Kamboj, learned counsel accepts notice for the respondent and states that in case the Court directs the learned MM to conclude the proceedings in the criminal complaint, he does not oppose the allowing of the petition.

10. For the said reasons, the petition is allowed and the order dated 03.05.2023 passed by the learned PO, Special Court (NI Act), South West District, Dwarka Courts in Ct. Cases 5005783/2016 is set aside. The petitioners are given 2 opportunities i.e. on 29.11.2024 and on or before 13.12.2024 to conclude the his entire defence evidence. No further opportunity shall be granted to the petitioners.

11. Thereafter, it is requested to the learned MM to conclude final arguments on or before 31.01.2025.

12. Each of the petitioners shall pay costs of Rs. 5,000/- each to the counsel of respondent No. 2, and Rs. 5000/- each to DHCLSC before 29.11.2024 and will file proof of the same.



13. With these directions, the petition is disposed of.

JASMEET SINGH, J

NOVEMBER 13, 2024/NG