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

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CRL.M.C. 9788/2024, CRL.M.A. 37509/2024 and

CRL.M.A. 37510/2024

SANJAY JAIN

.....Petitioner

Through: Mr.Vijay Aggarwal, Mr.Yash,  
Mr.Rachit, Mr.Pankush, Mr.Ketan and  
Mr.Munish, Advocates

versus

LOUIS DREYFUS COMMODITIES INDIA PVT LTD

.....Respondent

Through: Mr.Pavan Narang, Sr. Advocate with  
Mr.Himanshu Sethi and Ms.Aishwarya, Advocates

**CORAM:**

**HON'BLE MR. JUSTICE MANOJ KUMAR OHRI**

**ORDER**

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**12.12.2024**

1. By way of present petition, the petitioner, who is arrayed as accused No.2 in the proceedings initiated by the respondent, is aggrieved by the order dated 12.11.2024 passed by the learned Judicial Magistrate, JMIC (NI Act)-02, Patiala District Court, Delhi in Complaint Case Nos.26836/2016, 25504/2016, 25549/2016 and 31191/2016.
2. Learned counsel for the petitioner submits that the impugned order is not sustainable in the eyes of law.
3. Learned Senior Counsel for the respondent, on the other hand, has taken a preliminary objection as to the maintainability of the present petition as the order pertains to only accused Nos.3 and 5, who have not approached the Court. He further submits that even otherwise, the contentions raised by the petitioner are well covered under the decision of the Supreme Court in



M/s. Bhaskar Industries Ltd v. M/s. Bhiwani Denim & Apparels Ltd. reported as **(2001) 7 SCC 401**. Insofar as the present petitioner is concerned, NBWs were issued against him and it is informed that the NBWs were recalled. Insofar as the other contention qua pendency of the application under Section 91 Cr.P.C. is concerned, it is pertinent to note that in an allied case, the petitioner has earlier approached this Court by raising the same contentions vide Crl. MC. 2162/2021, which came to be disposed of vide order dated 15.09.2021, wherein the following order came to be passed.

*“1. This petition under Section 482 Cr.P.C is for setting aside the order dated 07.04.2021 passed by the learned MM, NI Act.*

*2. The learned MM by the order impugned herein has dismissed an application under Section 91 Cr.P.C filed by the petitioner herein.*

*3. Without going into the merit of the order of the learned Sessions Court, liberty is granted to the petitioner to file an application to the Official Liquidator to permit inspection.*

*4. The Official Liquidator shall permit the petitioner to take inspection of the documents. The documents shall be flagged by the petitioner and he can apply for the copies of the documents from the Official Liquidator.*

*5. The petitioner is at liberty to seek permission to produce those documents. The Magistrate shall decide the application, if filed, on merits and come to a conclusion as to whether these documents are required or not for adjudication of the case.*

*6. The petition is disposed of with the above observations along with the pending applications.*

*7. It is made clear that, this Court has not expressed any opinion on the merits of the case.”*



4. At this stage, the Court also takes note of the fact that the complaint pertains to the year 2013 and is still pending at the stage of framing of notice.

5. Concededly, in the present case, the petitioner has not even taken steps and since it was allowed to take in the allied complaint vide the aforesaid order, no further orders are required to be passed. Accordingly, the present petition is disposed of alongwith the pending applications.

6. Needless to state that the Trial Court shall consider the same in light of the observations in the case of M/s. Bhaskar Industries Ltd v. M/s. Bhiwani Denim & Apparels Ltd. reported as **(2001) 7 SCC 401**.

**MANOJ KUMAR OHRI, J**

**DECEMBER 12, 2024**  
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