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

+ **CRL.REV.P. 82/2025, CRL.M.(BAIL) 384/2025**

KULDEEP VERMA

.....Petitioner

Through: Mr. Kartik Yadav, Mr. Chandra
Shekhar and Ms. Manish Tiwari,
Advocates.

versus

STATE GOVT. OF NCT OF DELHI AND ANR.Respondents

Through: Mr. Digam Singh Dagar, APP for the
State.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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21.02.2025

CRL.M.A. 5743/2025

Exemption granted, subject to just exceptions.

Let requisite compliances be made within 01 week.

The application stands disposed-of.

CRL.M.A. 5745/2025

By way of the present application filed under section 528 of the Bharatiya Nagarik Suraksha Sanhita 2023 ('BNSS'), the petitioner seeks condonation of about 4 days' delay in *re-filing* the criminal revision petition.

2. For the reasons stated in the application, which is duly supported by affidavit, the delay in *re-filing* the petition is condoned.
3. The application is allowed.



CRL.M.A. 5744/2025

4. By way of the present application filed under section 5 of the Limitation Act 1963, the petitioner seeks condonation of about 134 days' delay in *filing* the criminal revision petition.
5. For the reasons stated in the application, which is duly supported by affidavit, the delay in *filing* the petition is condoned.
6. The application is allowed.
7. The criminal revision petition is taken on Board.

CRL.REV.P. 82/2025

8. By way of the present petition filed under section 442 read with section 528 of the BNSS, the petitioner impugns judgment dated 31.05.2024 passed by the learned Sessions Court in criminal appeal bearing CA No.102/2024, whereby the learned Sessions Court has upheld the judgment of conviction dated 06.01.2024 and sentencing order dated 17.02.2024 passed by the learned Magistrate.
9. *Vide* judgment of conviction dated 06.01.2024 passed in complaint bearing CC No.1248/2021, the petitioner was convicted for the offence under section 452 of the Companies Act, 2013 ('Companies Act'). By sentencing order dated 17.02.2024, the petitioner was sentenced to deposit fine of Rs.01 lac, with a default simple imprisonment of 03 months; and was also directed to hand-over vacant, peaceful, physical possession of the Quarter No. G-43, Type-II, Tripolia Colony, Delhi Flat ('subject premises') to respondent No.2/BSES Yamuna Power Limited, with a default simple imprisonment of 03 months.



10. Mr. Kartik Yadav, learned counsel appearing for the petitioner submits that the petitioner is entitled to continue in possession of the subject premises in view of the 'Low Income Group Housing Scheme, 1954' (LIGH Scheme) of the Government of India, whereby, according to the petitioner, government quarters built in DESU Colony, Tripolia, Delhi were transferred to the allottees on ownership basis.
11. Upon being queried, counsel submits that the petitioner's father was the allottee of the subject premises since he was then employed with Delhi Electricity Supply Undertaking ('DESU'), the predecessor of Delhi Vidyut Board ('DVB'), which was the predecessor of BSES Yamuna Power Limited/respondent No.2.
12. Mr. Yadav submits, that the petitioner's father retired from service in 1995; that the father passed away in 2004; and that *no transfer* of ownership of the subject premises was ever made to the petitioner's father at any point in time.
13. The learned Sessions Court has dismissed the appeal principally on the following reasoning :

*"Admittedly, civil suit has been filed by the respondent against the appellant seeking possession of the flat in question. As already discussed, this prosecution under section 452 of the Act only punishes the wrongful occupants of the property of the company. As already discussed, under the scheme of the Government the respondent had stepped into the shoes of DVB, the former employer of the father of the appellant. Thereby all the assets and liabilities of DVB fell on the shoulders of respondent. The appellant had failed to file documents on record regarding this LIGH Scheme and he being legal heir of the beneficiary of the scheme. It is relevant to mention here that in para 14 of the impugned order, the Ld. Trial Court had observed that "Apex Court in **Jagdish Prasad & Ors. v. MCD through Commissioner***



& Ors.: AIR 1993 SC 1245 had held that no resolution was passed by DESU to transfer ownership of the flats at Tripolia colony to its employee.”

(bold in original)

14. Apart therefrom, the learned Sessions Court has also dealt with the contentions as to the maintainability of the complaint against the petitioner and the jurisdiction of the trial court *inter-alia* arising from the argument that the petitioner was never an employee of respondent No.2.
15. All other things apart, this court is unable to find anything erroneous in the position (i) that the petitioner was never an employee of respondent No.2; (ii) that even if there was any entitlement under the LIGH Scheme for transfer of ownership of the subject premises in favour of the petitioner's father, that admittedly never materialised; and (iii) that the petitioner's father retired in 1995 and passed away in 2004, but the petitioner has continued in possession and occupation of the subject premises ever-since.
16. In these circumstances, this court finds nothing remiss in the correctness, legality or propriety of the order passed by the learned Sessions Court, upholding the judgment of conviction and sentencing order of the learned Magistrate as detailed above. This court is of the view, that the offence under section 452 of the Companies Act, namely the wrongful withholding of property, is clearly made-out.
17. The present petition is accordingly dismissed at the stage of issuance of notice itself.
18. The petitioner is directed to deposit the fine imposed within 02 months, and *subject to* the deposit of fine, the petitioner is permitted



time of 06 months to vacate the subject premises and hand-back possession thereof to respondent No.2.

19. Respondent No.2 is given liberty to bring any default by the petitioner in compliance of the above to the attention of this court.
20. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

FEBRUARY 21, 2025/ss