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

+ CRL.M.C. 3668/2025

SANCHAL RANJAN

.....Petitioner

versus

GOLDEN BRICKS CONSTRUCTION PVT. LTD.Respondent
With

CRL.M.C. 3669/2025, CRL.M.C. 3670/2025, CRL.M.C. 3671/2025,
CRL.M.C. 3672/2025 & CRL.M.C. 3673/2025.

For Petitioners: Mr. Amit Prasad, Ms. Ruchika Prasad,
Mr. Navneet R., Mr. Adarsh Kumar Singh,
Mr. Alok Kumar and Ms. Alankrita Sinha,
Advocates.

For Respondents: Mr. Chetan, SI, PS-Paschim Vihar.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

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23.05.2025

1. The present petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 assails separate orders dated 2nd September, 2024 and 4th February, 2025 passed by Judicial Magistrate First Class (NI Act)-01, West, Tis Hazari Courts in complaints filed by the Respondent under Section 138 of the Negotiable Instruments Act, 1881¹ against Ziffy Homes India Private Limited, of which the Petitioner is a Director.

2. Counsel for the Petitioner has laid out the following factual matrix

¹ "the NI Act"

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and submissions in support of the present challenge:

2.1. On 2nd September, 2024, Mr. Rajeev Ranjan, counsel for the Petitioner, had duly marked his appearance through the video-conferencing mechanism before the Trial Court. On logging in, he was informed by the Court Reader that the Presiding Judge was on leave during the first half of the day, and that the matter stood adjourned to 4th February, 2025. On this basis, it is submitted that neither the Petitioner nor his counsel had any reason to believe that any substantive orders had been passed on that date. However, it subsequently transpired that an order had, in fact, been recorded on 2nd September, 2024, granting bail to the Petitioner subject to execution of a personal bond and one surety of INR 50,000/-, and further, directing that the Petitioner shall not travel abroad without prior leave of the Court. It is urged that this order was not brought to the knowledge of the counsel at the time of hearing and only came to be known on 4th February, 2025. In support of this assertion, affidavits of Mr. Ranjan have been placed on record.

2.2. On 4th February, 2025, the Trial Court was informed that the Petitioner was not present in India. Observing this to be in breach of the bail condition, the Court proceeded to impose a cost of INR 10,000/- in each complaint.

2.3. The direction issued on 2nd September, 2024 restricting the Petitioner's right to travel abroad was neither communicated nor passed in the presence of counsel. Had such a direction been indicated or brought to the notice of the counsel, the Court would have been informed that the Petitioner was already outside the country on that date. It is thus, submitted that the order dated 4th February, 2025, insofar as it imposes costs on the

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ground of non-compliance with a bail condition, is manifestly unjustified, particularly in the absence of any deliberate or wilful breach.

3. Upon a pointed query of the Court as to when Mr. Ranjan became aware of the order dated 2nd September, 2024, it is submitted that, owing to the understanding that the Presiding Judge was not holding Court in the first half that day, he did not access the website to verify the text of the order until the next listed date, i.e., 4th February, 2025. When further queried whether any application was thereafter moved before the Trial Court to place these facts on record or to seek waiver of the cost imposed, counsel candidly concedes that no such formal application was filed. It is, however, stated that a verbal request was made before the Magistrate, who advised that the issue be raised by way of an appropriate application.

4. Having considered the submissions advanced and the material placed on record, this Court is of the view that the appropriate course of action for the Petitioner would be to place the relevant facts before the Trial Court through a written application. It is well settled that the judicial record prevails and any perceived error therein must be addressed through due process. The Petitioner's grievance regarding imposition of the bail conditions without notice to him and that costs were subsequently levied on an alleged breach, must therefore, be canvassed first before the Trial Court. A proper determination can only follow upon the Trial Court's consideration of the surrounding circumstances, including the sequence of events and the context in which the orders dated 2nd September, 2024 and 4th February, 2025 were passed.

5. In view of the above, counsel for the Petitioner, on instructions, seeks leave to withdraw the present petitions with liberty to move an appropriate

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application before the concerned Court for clarification, correction, or modification of the bail conditions and for waiver of the costs imposed.

6. Leave and liberty, as prayed for, is granted. If such an application is preferred, the Trial Court shall consider the same on its own merits and in accordance with law, after affording a fair opportunity of hearing to both sides. The Trial Court shall, *inter alia*, examine whether the Petitioner's absence was *bona fide* and whether counsel's lack of knowledge regarding the conditions imposed justifies any modification or recall.

7. In the event that the decision on such application is adverse to the Petitioner, it shall be open to him to avail of all appropriate remedies as may be available in law.

8. With the above directions, the present petitions, along with all pending applications, stand disposed of.

SANJEEV NARULA, J

MAY 23, 2025

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