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

+ **CRL.REV.P. 348/2025 & CRL.M.A. 26227-26228/2025**

SHAFEEQ

.....Petitioner

Through: Ms. Mercy Hussain, Mr. Sidharth S.,
Ms. Kirti Singh and Mr. C.P Singh,
Advocates.

versus

THE STATE OF NCT DELHI

.....Respondent

Through: Mr. Ajay Vikram Singh, APP for the
State along with SI Kapil Beniwal, PS
Punjabi Bagh.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER
02.09.2025

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1. The present revision petition filed under Section 401 read with Section 482 of the Code of Criminal Procedure, 1973¹ seeks setting aside of order dated 7th July, 2025 passed by the ASJ in SC No. 301/2019, dismissing the Petitioner's application for cancellation of Non-Bailable Warrants² in the proceedings arising from FIR No. 76/2019, P.S. Punjabi Bagh for the offences under Sections 186/353/307/411/482/34 of the Indian Penal Code, 1860.

2. On 28th April, 2025, when the matter was listed for recording the Prosecution's evidence, the Petitioner/accused was present before the Court.

¹ "Cr.P.C."

² "NBWs"



However, as recorded in the proceedings of the said date, the Petitioner apparently left the Court premises without informing the Court, purportedly due to his heart condition. In these circumstances, the proceedings were adjourned, and NBWs were issued against the Petitioner.

3. Thereafter, the Petitioner moved an application before the Trial Court seeking cancellation of the NBWs, which was dismissed by the impugned order noting Petitioner's lack of diligence in regularly attending Court proceedings. The Trial Court observed that the Petitioner had remained absent on multiple occasions in the past and, in view of such conduct, declined to cancel the NBWs.

4. Counsel for the Petitioner submits that on the dates noted in the impugned order, he was duly represented by counsel and exemption was sought on his behalf. It is further submitted that on 28th April, 2025, the Petitioner was in fact present in Court but had to leave due to a medical emergency, which is substantiated by medical records. Counsel for the Petitioner undertakes, on behalf of the Petitioner, that he shall diligently appear before the Trial Court on all future dates fixed, and shall not unnecessarily seek adjournments to cause delay the proceedings.

5. Mr. Ajay Vikram Singh, APP for the State, opposes the application and submits that the medical exigency cited as the alleged reason for the Petitioner's departure from Court without prior intimation cannot be accepted. He contends that the Petitioner was obliged to seek leave of the Court before leaving. He further argues that the medical record produced in support of the Petitioner's non-appearance is not a credible document, as it lacks essential details such as the name and age of the patient and appears to have been fabricated solely to justify the absence.



6. Having considered the rival submissions and the material on record, this Court is of the view that the Petitioner ought to have exercised diligence and should have sought prior permission of the Presiding Judge before leaving from the proceedings. Nonetheless, considering the fact that the Petitioner was present in Court on 28th April, 2025, as recorded in the order, and in view of the undertaking given by his counsel that there shall be no further default, the NBWs issued against him are cancelled.

7. The Petitioner shall appear before the Trial Court on all dates of hearing, subject to just exceptions.

8. Further, considering the foregoing facts and circumstances, particularly the delay in the proceedings before the Trial Court, the Petitioner is directed to pay a cost of INR 10,000/- to the Delhi Police Welfare Fund, within four weeks from today.

9. With the above directions, the present petition is disposed of, along with pending applications.

SANJEEV NARULA, J

SEPTEMBER 2, 2025/MK