



\$~105

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

+ CRL.M.C. 2361/2026

MANMOHAN KAPANI

.....Petitioner

Through: Mr. Madhav Khurana, Sr. Advocate
with Mr. Shlok Chandra, Mr.
Parikshit Singh Bhati, Ms.Lolita
Crasta, Mr. Deeparghya Datta, Mr.
Teeksh Singhal, Advocates.

versus

VIRENDRA KAPANI

.....Respondent

Through: Mr. Udit Awna with Mr. Shivam
Wadhwa, Mr. Md. Sahil Raza Khan,
Mr. Kunal Srivastava, Advocates.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

% **30.03.2026**

CRL.M.A. 9610/2026

Exemption allowed, subject to just exceptions.

The application stands disposed-of.

CRL.M.C. 2361/2026 & CRL.M.A. 9609/2026 (stay)

After a brief hearing in the matter, and in view of the law laid-down by the Supreme Court in *Sanjabij Tari vs. Kishore S. Borcar & Anr.*¹, Mr. Madhav Khurana, learned senior counsel appearing for the petitioner submits, that he would not press the present petition, reserving his liberty to raise all contentions taken by way of the present petition before the learned trial court, as may be permissible, in accordance with law.

¹ 2025 INSC 1158



2. Mr. Khurana submits, that it is the undisputed fact that the petitioner – Manmohan Kapani is about 95 years of age and is a citizen of the United States of America and is presently residing there; and by reason of his very advanced age and feeble state of health, he will be unable to remain physically present before the learned trial court as has been directed *vidé* order dated 12.12.2025.
3. Mr. Khurana submits, that a request made in that behalf has been rejected by the learned trial court; and the petitioner has been directed to remain physically present on the next date of hearing *i.e.* 02.04.2026.
4. Mr. Khurana prays that the petitioner be granted relief from physical appearance before the learned trial court. On instructions, learned senior counsel undertakes that the petitioner would join *via* video-conferencing on the next date of hearing before the learned trial court.
5. Considering the extremely advanced age of the petitioner and the fact that he is a citizen of, and is ordinarily residing in, the USA, it is directed that the learned trial court will *not insist* on the physical presence of the petitioner (accused) *unless absolutely imperative* at a given stage of the proceedings; and the petitioner shall join the proceedings *via* video-conferencing.
6. On instructions, Mr. Khurana also confirms that the petitioner will not take any objection as regards any proceedings that are conducted only on the ground that the petitioner was not physically present in court; and that he will not dispute his identity.
7. Mr. Khurana has also drawn attention to the provision of section 530 of the Bharatiya Nagarik Suraksha Sanhita 2023, submitting, that the new provision also permits for examination of witnesses and recording of



evidence in the course of inquiries and trials by use of electronic communication or audio-video electronic means. The learned trial court would employ the aforesaid provision, as and when required.

8. The petition stands disposed-of as not pressed, in the above terms, with liberty as prayed for.
9. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

MARCH 30, 2026/ds