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

+ CRL.M.C. 4103/2026, CRL.M.A. 16586/2026

MOHD. ASIF

.....Petitioner

Through: Mr. Suraj Yadav, Adv. (Through
VC)

versus

MOHD. MOHSIN

.....Respondent

Through: None

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

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22.05.2026

1. By virtue of the present petition under *Section 482* of the Bharatiya Nagarik Suraksha Sanhita, 2023, the petitioner, *inter alia*, seeks setting aside of the order dated 20.01.2026 passed by the learned JMFC, NI Act-03, Tis Hazari Courts, Delhi (***learned Trial Court***) in Cr. Case No.3766/2023 titled '*Mohd. Mohsin vs. Mohd. Asif*'.

2. Considering the medical documents filed for seeking exemption before the learned Trial Court was of the learned counsel himself, as he was suffering from an eye flu, under the peculiar facts and circumstances, the present application is allowed and the impugned order dated 20.01.2026 is set aside, *albeit*, subject to the petitioner clearing the previous costs of Rs.8,000/- as per order dated 20.01.2026 passed by the learned Trial Court as also fresh costs of Rs.20,000/- to be paid by the



petitioner to the respondent within a period of *one week*.

3. In view of the aforesaid, the petitioner is given one opportunity for pleading his case with respect to *Section 311* of the Code of Criminal Procedure, 1973 before the learned Trial Court on the next date of hearing.

4. It is also clarified that in case the composite previous costs of Rs. 28,000/- is not paid within a period of *one week* as per above, the impugned order dated 20.01.2026 shall stand revived.

5. As such, the present petition, alongwith the pending application, is disposed of in the aforesaid terms.

6. A copy of this order be sent to the concerned Principal District and Sessions Judge for information.

SAURABH BANERJEE, J

MAY 22, 2026/Ab