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

\# **CNR No. DLHC010550912025**

\+ CRL.M.C. 5393/2025 & CRL.M.A. 23208/2025 CRL.M.A. 30018/2026

M/S DIGIHIVE SOLUTIONS PVT LTD .....Petitioner

Through: Mr. Akshay Sharma, Mr. Dev Pratap Shahi, Mr Varun Pratap Singh, Mr. Yogya Bhatia, Advs.

versus

M/S SUPERWAVE COMMUNICATION AND INFRASOLUTION PVT LTD & ANR. .....Respondents

Through: Mr Rajat Wadhwa, Mr Sahil Kakkar, Mr Vinod Patidar, Ms Anshika Juneja, Mr Tanishq Tandon, Mr Pratya, Advs

CORAM:
HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

O R D E R

% 28.10.2026

1. The present petition has been filed seeking the following reliefs: -

> "A. Allow the present Petition under section 528 of The Bharatiya Nagarik Suraksha Sanhita, 2023 and issue appropriate direction(s)/order(s) for setting of the Impugned Order dated 16.04.2025 passed ex-parte by the Ld. ASJ, South-East District, Saket Court, New Delhi in CA No. 125/2025 titled "M/s Superwave Communication & Infrasolution Pvt. Ltd. Vs. M/s Digihive Solutions Pvt. Ltd.";
>
> B. Direct the Ld. ASJ, South-East District, Saket Court, New Delhi to expeditiously dispose of the Criminal Appeal bearing CA No. 125/2025 titled "M/s Superwave Communication & Infrasolution Pvt. Ltd. Vs. M/s Digihive Solutions Pvt. Ltd.";"

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2. After some arguments, learned counsel for the Respondents states on instructions from the Respondents, that the Respondents will deposit a further amount of Rs. 15 lakhs with the appellate court within a period of three [3] weeks, without prejudice to their rights and contentions in the appeal.

2.1. He further prays that the appeal is listed before the appellate Court on 27.01.2027 and the appellate Court be requested to expedite the final hearing.

3. In response, learned counsel for the Petitioner herein also joins the request for expedited hearing. He also accepts the suggestion of deposit of the additional amount of Rs. 15 lakhs.

4. The statements of the learned counsel for the Petitioner and Respondents are taken on record. They are bound down to the same.

5. The Respondents are granted three (3) weeks[1] time to deposit 15 lakhs with the appellate Court, with a copy of the proof of deposit provided to the Petitioner. The time has been granted as per the convenience of the Respondents. Subject to the aforesaid deposit within the time sought, the direction in the impugned order dated 16.04.2025 suspending the sentence awarded by the trial Court shall continue.

6. It is clarified that in case the Respondents fail to deposit the aforesaid amount of Rs. 15 lakhs, the direction in the impugned order dated 16.04.2025 suspending the sentence shall stand vacated, and the Respondents will immediately surrender.

7. Also, the appellate Court is requested to take up the appeal for final hearing on 27.01.2027 i.e., the date already fixed and not grant any

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adjournment to either party. It is directed that in case either party fails to appear on the said date, the appellate court will decide the appeal based on the record.

8. This order has been passed with the consent of the parties and they shall remain bound by the same.

9. It is clarified that the appeal shall be decided on its own merits and this Court has not expressed any opinion on the merits of the dispute which is pending in the appeal.

10. With the aforesaid directions, the petition along with pending applications stands disposed of.

11. The digitally signed copy of this order, duly uploaded on the official website of the Delhi High Court, www.delhihighcourt.nic.in, shall be treated as a certified copy of the order for the purpose of ensuring compliance. No physical copy of order shall be insisted by any authority/entity or litigant.

MANMEET PRITAM SINGH ARORA, J

OCTOBER 28, 2026/mt/aj

[1] i.e. on or before 17.11.2026.

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