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

+ **CRL.M.C. 8814/2024**

XXXXXXXXXXXXX

.....Petitioner

Through: Mr. Ambuj Tiwari, Mr. Aryan
Bhardwaj and Mr. Fateh Raj Khanna,
Advs.

versus

STATE NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Satinder Singh Bawa, APP for
the State along with SI Pratima.
Mr. Ashwin Vaish, Mr. Uttam
Panwar, Ms. Shubhi, Ms. Yashaswi
Dasari and Mr. Aditya Sharma, Advs.
for accused.
Ms. Kajal Singh and Mr. Diwakar
Singh, Advs. for R-2.

CORAM:

HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

ORDER

04.02.2026

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CRL.M.A. 38966/2024 (exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

CRL.M.C. 8814/2024, CRL.M.A. 33701/2024 & CRL.M.A. 38965/2024

3. The learned counsel appearing for the petitioner has drawn attention of this Court to an order dated 28.03.2025, passed by the learned Trial Court, wherein the following order was passed:

“1. Vide this order, it shall be decided whether the accused Sunila



Jagda is to be declared as proclaimed person.

2. On 05.12.2024, this Court issued process under section 82 Cr.P.C against the accused which was duly executed. However, the accused failed to appear despite execution of the proclamation.

3. Upon the receipt of the report on the execution, statement of the IO W/SI Saroj Yadav who executed the process under section 82 Cr.P.C was recorded on 19.02.2025 and 04.03.2025. It was stated by the IO W/SI Saroj Yadav that she visited the address of the accused at Sagardeep Darshan Building 304, SV Road, Opp. Adidas Showroom, Borivali West, Mumbai, Maharashtra. That the name of the father of the accused was mentioned on the board of the building which was containing names of all the occupants were mentioned. The IO has also taken photograph of the said board. The IO met the caretaker Sh. Ghanshyam Sharma who informed that father of the accused visited the flat about one month ago for his treatment but thereafter, he left. The IO also recorded the statement of one occupant Ms. Yogita Parmar, who was residing at flat No. 301 in the same society. The IO also recorded the statement of Sh. Lalit R Modi, who was welfare member of the society. Thereafter, the IO publicly announced about the appearance of the accused before the court and the date and time thereof, and she affixed one copy of the proclamation at the entrance of the residence of the accused and one copy of the same was affixed on the notice board of the Court. The IO has also published the proclamation in the local newspapers i.e. Indian Express and Nav Bharat Times on 15.12.2024. The IO has filed her detailed report Ex. P4 (colly) along with photograph Mark A and Mark B (colly), statements Ex. P1, Ex. P2 and Ex. P3, and copy of the newspapers Mark X and Mark Y.

4. Even though, Ld. Counsel has appeared on behalf of the accused, however, the appearance was not a valid appearance since the counsel was appearing on behalf of an SPA holder Sh. Prateek Gupta and there was no appearance of the accused, not even through VC. There was nothing which could have prevented him from appearing through VC. Hence, the appearance on behalf of the accused was not a valid one. The record reflects that the accused was aware about the proclamation proceedings but despite that he failed to appear. The record also reflects that the fact that the accused did not join the investigation despite sufficient opportunities was also observed by Ld. Sessions Court while dismissing his application seeking anticipatory bail application. Therefore, it is quite clear that the accused has absconded and concealed himself from the warrants of arrests issued by this Court. Accordingly, the accused Sunil Jagda is declared proclaimed person in the present case.”

4. In view of the above order, this petition has become infructuous and



stands disposed of. Pending applications also stand disposed of.

5. The order be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J
FEBRUARY 04, 2026/A/GJ