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

% ***Date of Decision: 06th January, 2026***

+ CRL.REV.P.(NI) 1/2026 & CRL.M.A. 273/2026 & CRL.M.A. 274/2026 & CRL.M.A. 275/2026 & CRL.M.A. 276/2026 & CRL.M.A. 277/2026

RAJNI VERMA

.....Petitioner

Through: Mr. Naveen Kumar Bansal with
Mr. Aditya Verma and Mr. Deep Soni,
Advocates.

versus

SH UMESH KALIA

.....Respondent

Through: Mr. Agha Haider, Advocate.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. The situation in the present case is little unusual.
2. The petitioner faced a complaint filed under Section 138 of *Negotiable Instrument Act, 1881*. Such complaint resulted in conviction and the order of sentence was pronounced on 20.02.2024. On that day, the convict was also present before the learned Trial Court along with her counsel and the learned Trial Court sentenced her to the imprisonment till rising of the Court (TRC) and burdened her with compensation of Rs.86,499/-.
3. Aggrieved by the abovesaid order, an appeal was filed before the Court of Sessions.
4. As per the learned counsel for the petitioner, the sentence was suspended by the learned Court of Sessions. However, during pendency of the appeal, the petitioner suffered paralysis and brain hemorrhage and, therefore,



she was unable to appear before the learned Appellate Court. She was advised bed rest and when the medical documents were placed before the learned Appellate Court, the learned Appellate Court, noticing that no bed rest had been advised, refused to recall coercive process and directed issuance of notice to the Process Server for recording of his statement in terms of Section 82 Cr.P.C.

5. The next date before the learned Appellate Court is stated to be 03.02.2026 for recording of such statement.

6. The prayer made in the present petition is a limited one. It is to the effect that order dated 03.11.2025 passed by learned First Appellate Court be set aside whereby the learned First Appellate Court has shown inclination to proceed further with recording of statement in terms of Section 82 Cr.P.C.

7. The impugned order would suggest that since the medical documents placed before the learned Appellate Court were not complete, the learned First Appellate Court was compelled to proceed further with the matter.

8. During course of the arguments, learned counsel for the petitioner submitted that the complete record would be placed before the learned First Appellate Court on or before the next date of hearing i.e. 03.02.2026 and, at the moment, there is a limited request to permit the petitioner to appear before the learned First Appellate Court through *video conferencing*. It is also undertaken that if she is medically fit enough, she would also appear physically before the learned Appellate Court.

9. Learned counsel for the respondent has joined the proceedings through *video conferencing* on advance notice and submits that respondent, who is even ready for amicable settlement, has no objection to the above limited request.



10. Keeping in mind the overall facts of the case, the present petition is disposed of with direction to learned First Appellate Court to keep in abeyance the recording of statement of Process Server and permit her to join proceedings through *video conferencing* in view of her medical condition.

11. The petitioner is permitted to file complete medical documents, with advance copy to counsel for the respondent/complainant, before the learned First Appellate Court and is also permitted to appear before the said Court through *video conferencing* on the next date of hearing.

12. Since matter can be amicably settled, both the sides shall submit concrete proposals before the learned First Appellate Court on the date fixed i.e. 03.02.2026.

13. The petition, along with pending applications, if any, stands disposed of in aforesaid terms.

(MANOJ JAIN)
JUDGE

JANUARY 6, 2026/st/js