courtkutchehry.com

Company: Sol Infotech Pvt. Ltd.
Website: www.courtkutchehry.com
Printed For:
Date: 04/11/2025

(2008) 04 DEL CK 0192

Delhi High Court

Case No: Criminal M.C. No. 1004 of 2007 and Criminal M.A. No. 3469 of 2007

Mr. Rajeev Devgun		APPELLANT
	Vs	
State and Others		RESPONDENT

Date of Decision: April 28, 2008

Acts Referred:

- Criminal Procedure Code, 1973 (CrPC) - Section 251, 482
- Negotiable Instruments Act, 1881 (NI) - Section 138, 142

Citation: (2008) 04 DEL CK 0192

Hon'ble Judges: Gita Mittal, J

Bench: Single Bench

Advocate: Vishwendra Verma, for the Appellant; R.N. Vats and Gaurav Garg, for the Respondent

Judgement

Gita Mittal, J.

This petition has been filed by the petitioner u/s 482 of the Code of Criminal Procedure praying for quashing of Complaint Case No. 1761/1 u/s 138/142 of the Negotiable Instrument Act, 1981 titled as Birender Govil v. Sh. Rajeev Devgun presently pending in the court of learned Metropolitan Magistrate, Delhi. The petitioner has assailed the order of summoning passed in this case on several grounds. I find that the questions raised by the petitioner are disputed questions of fact which can be appropriately gone into only by the trial court.

2. In this view of the matter, learned Counsel for the petitioner has fairly stated that he shall take up these grounds before the trial court in accordance with law. An oral prayer is however made to the effect that the petitioner be exempted from his personal appearance before the court. It is submitted that the petitioner shall appear in the matter through duly authorised counsel. It is further stated that the petitioner shall not dispute the identity of the accused and counsel shall stand duly authorised to accept the notice which is issued u/s 251 of the Code of Criminal Procedure, 1973. The further submission on behalf of the

petitioner before this Court is that the counsel shall stand authorised to conduct all proceedings in the matter in accordance with law on behalf of the petitioner and no adjournment shall be sought for reasons of non-appearance of the petitioner.

3. I have heard learned Counsel for the parties. Having regard to the nature of the proceedings and some of the grounds of the defence of the petitioner as are disclosed from the present petition, in my view, the present case is a fit case where the petitioner deserves to be exempted from personal appearance before the trial court.

4. It is however made clear that the petitioner shall remain represented by duly authorised counsel and shall remain bound by the statement which has been made by counsel on his behalf in court today. In the event that the presence of the petitioner is essential for any date of hearing, it shall be open for the the learned trial Judge to make appropriate orders requiring the attendance of the petitioner for that date.

This petition and Crl. M. No. 3469/2007 are disposed of in the above terms. It is made clear that nothing herein contained is an expression of opinion on the merits of the case.

Dasti