

Dinesh Kumar Trivedi vs State Of Nct Of Delhi & Anr on 2 February, 2023

\$~63, 64 and 67 to 74
* IN THE HIGH COURT OF DELHI AT NEW DELHI
+ CRL.M.C. 696/2023
DINESH KUMAR TRIVEDI Pe
Through: Mr. Rishi Sood, Advocate

versus

STATE OF NCT OF DELHI & ANR. Re
Through: Mr. Raj Kumar, APP for the

+ CRL.M.C. 697/2023
DINESH KUMAR TRIVEDI Pe
Through: Mr. Rishi Sood, Advocate

versus

STATE OF NCT OF DELHI & ANR. Re
Through: Mr. Raj Kumar, APP for the

+ CRL.M.C. 714/2023
DINESH KUMAR TRIVEDI Petitione
Through: Mr. Rishi Sood, Advocate

versus

STATE OF NCT OF DELHI & ANR. Responde
Through: Mr. Raj Kumar, APP for the

+ CRL.M.C. 716/2023

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DINESH KUMAR TRIVED Petiti
Through: Mr. Rishi Sood, Advocate

versus

STATE OF NCT OF DELHI & ANR. Respondents
Through: Mr. Raj Kumar, APP for the State

+ CRL.M.C. 718/2023
DINESH KUMAR TRIVEDI Petitioner
Through: Mr. Rishi Sood, Advocate

versus

STATE OF NCT OF DELHI & ANR. Respondents
Through: Mr. Raj Kumar, APP for the State

+ CRL.M.C. 720/2023
DINESH KUMAR TRIVEDI Petitioner
Through: Mr. Rishi Sood, Advocate

versus

STATE OF NCT OF DELHI & ANR. Respondents
Through: Mr. Raj Kumar, APP for the State

+ CRL.M.C. 721/2023
DINESH KUMAR TRIVEDI Petitioner
Through: Mr. Rishi Sood, Advocate

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versus

STATE OF NCT OF DELHI & ANR. Respondents
Through: Mr. Raj Kumar, APP for the State

+ CRL.M.C. 722/2023
DINESH KUMAR TRIVEDI Petitioner
Through: Mr. Rishi Sood, Advocate

versus

STATE OF NCT OF DELHI & ANR. Respondents
Through: Mr. Raj Kumar, APP for the State

+ CRL.M.C. 723/2023
DINESH KUMAR TRIVEDI Petitioner
Through: Mr. Rishi Sood, Advocate

versus

STATE OF NCT OF DELHI & ANR.

..... Respondent

Through: Mr. Raj Kumar, APP for the State

+ CRL.M.C. 724/2023

DINESH KUMAR TRIVEDI

..... Petitioner

Through: Mr. Rishi Sood, Advocate

versus

STATE OF NCT OF DELHI & ANR. & ORS.

..... Respondent

Through: Mr. Raj Kumar, APP for the State

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CORAM:
HON'BLE MR. JUSTICE ANISH DAYAL
ORDER

% 02.02.2023 CRL.M.A. 2685/2023, 2686/2023, 2747/2023, 2749/2023, 2756/2023, 2767/2023 .
2768/2023 . 2769/2023, 2770/2023, 2771/2023.

1. Exemptions allowed subject to all just exceptions.
2. All the applications stand disposed of. CRL.M.C. 696/2023, 697/2023, 714/2023, 716/2023, 718/2023, 720/2023, 721/2023, 722/2023, 723/2023 & 724/2023
3. The petitions have been filed quashing of impugned order dated 01.11.2019 passed by the Ld. MM, Patiala House Courts, New Delhi in CC No. 53503/2016, 50506/2016, 53508/2016, 53628/2016, 53501/2016, 53629/2016, 53507/2016, 53509/2016, 53504/2016 & 53506/2016.
4. By the impugned order, the petitioner had been declared a proclaimed offender in these complaint cases in matters titled as M/s. B. K. Sales Corporation Vs. Neeta Chemicals Private Limited.
5. Learned counsel for the petitioner has drawn the attention of the court to the fact that under these complaints filed U/s 138 of N. I. Act.
6. The petitioner is the director of the accused company and is a resident of Hyderabad.
7. Pursuant to the summons, he had furnished his personal bond and the trial was undergoing and he was under the bona fide impression that the matter was being looked after by the counsel.

8. In the meantime, the CIRP process by the NCLT was initiated against the company and IRP was appointed. Consequently, a moratorium was instituted U/s 14 of the IPC code. Somewhere in 2018 bailable warrants were issued but in 2019 since the petitioner had changed his residence to another house, the summons which were sent from the court, could not be received by him.

9. Execution of process u/s 82 Cr. PC was also not accomplished due to the fact of the petitioner being available at a different address. Fresh addresses were also provided by the petitioner, however NBWs had been issued.

10. After the Covid pandemic, the petitioner visited his earlier address in May 2022, he was informed that summons have been received.

11. He moved an application for cancellation of NBWs and the proceedings U/s 82 Cr.P.C., however Ld. MM, cancelled the NBWs against another director Bhupender Trivedi but not against the petitioner herein.

12. In view of the above facts and circumstances as stated above, the impugned order is set aside.

13. It is made clear that the petitioner will appear on the next date of hearing, which is listed on 04.02.2023 before the learned Trial Court.

14. The petitions are accordingly disposed of.

15. Order be uploaded on the website of this Court.

ANISH DAYAL, J FEBRUARY 2, 2023/akr