

Narinder Kumar vs.state of Nct of Delhi

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Court : Delhi

Decided On : Feb-13-2019

Appellant : Narinder Kumar

Respondent : State of Nct of Delhi

Judgement :

* + IN THE HIGH COURT OF DELHI AT NEW DELHI Date of Order: February 13, 2019 CRL.M.C. 5750/2018 and CRL.M.A. 47324/2018 NARINDER KUMAR Through: Nemo. Versus STATE OF NCT OF DELHI & ANR

... Petitioner

.....Respondents Through: Mr. Izhar Ahmad, Additional Public Prosecutor for State Mr. Arun Vohra, Mr. Dilip Kumar and Mr. Pranay Mehta, Advocates for Respondent No.2 CORAM: HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

(ORAL)

... Petitioner

is accused No.2 in complaint under Section 138 of Negotiable Instruments Act, 1881 and upon his appearance before the trial court, he had pleaded guilty, and it is so recorded in the order of 9th February, 2018. However, lateron while taking plea of mental illness, petitioner had filed an application seeking withdrawal of his plea of guilt and the said application has been rejected by trial court vide

impugned order of 5th May, 2018. Upon hearing and on perusal of impugned order and the material on record, I find that the trial court has observed that the plea of mental illness is vague and ambiguous and that petitioner is facing such kind of proceedings in numerous complaints. CRL. M.C. 5750/2018 Page 1 of 2 In the peculiarity of this case, it is deemed appropriate to permit petitioner to withdraw his plea of guilt and allow him to file an application under Section 145(2) of Negotiable Instruments Act, 1881 within a period of four weeks from today. If it is so done, then trial court shall proceed further in accordance with law, while dealing with petitioners application under Section 145(2) of Negotiable Instruments Act, 1881. Such a course is being adopted to prevent petitioner to prolong the proceedings under Section 138 of Negotiable Instruments Act, 1881. It is so said because none has appeared on behalf of petitioner when this matter is taken up for hearing. Be that as it may. Let the respondents complaint be tried expeditiously by the trial court. In case petitioner fails to appear before the trial court on the date fixed, i.e. 4th April, 2019 then trial court will proceed further as per law.

... Petitioner

and trial court be apprised of this order forthwith, to ensure its compliance. With aforesaid directions, this petition is disposed of while not commenting on the merits of this case. Dasti. FEBRUARY13 2019 pma (SUNIL GAUR) JUDGE CRL. M.C. 5750/2018 Page 2 of 2

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