

M. CrI. No. 338/2024

Mahesh Gupta Vs. Vimal Manchanda @ Vimal Kumar & Ors.

FIR No. 128/2018

PS: DBG Road

AND

M. CrI. No. 339/2024

Mahesh Gupta Vs. Vimal Manchanda @ Vimal Kumar & Ors.

FIR No. 128/2021

PS: DBG Road

28.10.2025

Present: Sh. Manish Kumar, Ld. Addl. PP for the State.
Sh. Prateek Bhalla, Ld. Counsel for applicant through VC.
Sh. Nagender Pratap Singh, Ld. Counsel for respondent no. 1 and 2.
Sh. Kharanshu Rana, Ld. Counsel for respondent no. 3 through VC.
SI Arvind in person with case file from PS DBG Road.

Ld. Counsel for respondent no. 1 and 2 has submitted that copy of application under Section 340 Cr. PC was supplied to him at 12:39 AM which is today itself. Now Ld. Counsel for applicant has submitted that his father was ill and due to medical exigency he could not supply it.

Heard. No application or supporting documents are moved in this regard and the above plea is rejected. The applicant has to show

//2//

his bonafide of supplying of this copy in terms of order dated 26.09.2025 which had to be supplied within 02 days which is not done by him. It appears that the applicant has deliberately disobeyed the order without any just excuse. The copy had to be supplied in prescribed time.

In such view of the matter for delaying the matter cost of Rs.5000/- is imposed on the applicant to be paid to the Id. Counsel for the respondent no. 1 and 2 within 15 days from tomorrow.

Ld. Counsel for the applicant submits that he could not file memo of parties in terms of order dated 26.09.2025 in both the petition. The said memo had to be filed within 02 working days and again he has not complied the order citing the reason that at the filing counter there was some difficulty as the filing Clerk has told him that notice has already been issued in this matter. The said reason is flimsy reason and cannot be sustained for not complying with order dated 26.09.2025. Again conduct of the applicant is seen in not observing the order of the present Court but to act in defiance. Hence further cost of Rs.10,000/- is imposed on the applicant by not complying with direction for filing memo of parties in both the petition. The cost be deposited in DLSA within a week and receipt be filed before the present Court in the same period.

It is noted that memo of parties is not filed despite direction that on failure of non-compliance the petition will be dismissed. Despite which the non-compliance is shown by the

//3//

applicant/petitioner. Hence the correct memo of parties be filed accordingly and compliance be shown within a week from tomorrow.

Due to such conduct of the petitioner no further steps could be taken in the two petitions under Section 340 Cr. PC and two application pending before the present Court. Accordingly the previous

order be complied with and matter be listed for further hearing on 19.11.2025.

(JOGINDER PRAKASH NAHAR)
Additional Sessions Judge (FTC-01)
Tis Hazari Court/Delhi/28.10.2025