

Shri Bhagwan v. Harish Enterprises

CNR No. DLCT01-003243-2024

Crl. Appeal No. 76/2024

07.05.2024

Present : Mr. Rakesh Singh, Mr. Rakesh Sharma and Ms. Divya Sharma, Ld. Counsel with the appellant.

At the request of Ld. Counsel for the appellant, the matter is passed-over.

Abhishek Goyal
ASJ-03, Central District,
Tis Hazari Courts, Delhi
07.05.2024

It is 11.25 a.m.

Present : Mr. Rakesh Singh and Mr. Rakesh Sharma, Ld. Counsel with the appellant.

TCR received.

An application has been moved on behalf of the appellant, seeking further time for depositing 20% of the fine amount, as directed by this Court *vide* order dated 04.03.2024.

It is submitted by the Ld. Counsel for the appellant that due to the appellant's wife's sickness, the appellant has been unable to arrange the funds for deposit of the said fine amount and that the delay in depositing the fine amount is neither intentional nor deliberate, rather, attributed beyond the control of the appellant.

Arguments heard. Record perused.

In light of the aforesaid submissions of Ld. Counsel for the appellant and considering the factum of illness of the appellant's wife, this Court, in the interest of justice as well as in terms of the provisions under Section 148 (2) of the NI Act, is of the opinion that sufficient cause exist for extending the time period of depositing the aforesaid amount.

Contd...2/-

Accordingly, the present application is allowed and the appellant is permitted to deposit 20% of the fine amount, as directed by the Ld. Trial Court in its order dated 07.02.2024, within the period as prescribed under law. The present application is ***disposed off*** in above terms.

At this stage, Ld. Counsel for the appellant has requested for issuance of fresh process through all mode, including through *dasti*. It is submitted by Ld. Counsel that due to inadvertence, steps for deposit of PF could not be taken, as per the last order.

Accordingly, as prayed for **issue fresh notice of the petition to the respondent** on PF, through registered post, approved courier, Whatsapp and e-mail, including *dasti* mode for the next date of hearing.

In the interest of justice, list for further proceedings on **04.06.2024**.

Interim order, if any, to continue till the next date of hearing.

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