

**CC No.515391/16, 527298/16, 530371/16, 530445/16, 530446/16, 530447/16, 530448/16, 531422/16, 533988/16, 533989/16, 533990/16, 540443/16, 540444/16, 540445/16, 540446/16, 540447/16, 540448/16, 540449/16, 540450/16, 540787/16, 540788/16, 540789/16, 540790/16, 540791/16, 540792/16, 540793/16, 540795/16, 540796/16, 540797/16 & 540798/16**

09.04.2019

Present : Mr. Rajesh Kumar, Ld. counsel for the complainant.

Accused no.4 in persons.

Accused nos. 2, 3, 5 & 6 are absent.

Mr. Bhupinder M. Sharma, Ld. Counsel for the accused persons.

An application seeking exemption from personal appearance of the accused is filed. Heard.

For the reason stated in the application, accused nos. 2, 3, 5 & 6 are exempted from his personal appearance only for today.

NBWs issued to the accused nos.2, 3, 5 & 6 received back on last date of hearing and were put up for consideration for its report today. The same shows that they have been returned unexecuted with the report 'not present'. Further the Ld. Counsel for the accused submits that talks are on of all the accused with South Indian Bank, Ernakulam and they need further time till June 2019 to arrive at some sort of understanding with them. Only pursuant to such an understanding will they be able to make payment to the complainant.

Ld. counsel for the complainant vehemently opposes the said submission. Also it has been reiterated from the Ld. counsel for the complainant that the settlement between the parties dt.11.01.2018 has not been followed in letter and spirit repeatedly by the accused and they are trying to evade final closure to the said settlement.

Ld. counsel for the accused submits that a written application for cancellation of NBWs was moved on the last date of hearing, the same be accepted for today only.

Also an uncertified copy of the judgment by the hon'ble

High Court of Kerala is filed by the accused in WP no.(C)9122 of 2019.

Considering the facts and circumstances of the proceedings as on date, one final opportunity is being granted to all the accused to honour their commitment in terms of the settlement arrived at between the parties and no further such opportunity shall be granted henceforth and coercive steps shall be taken against all the accused persons.

Put up on 06.07.2019.

**(Gaurav Sharma)**  
**Metropolitan Magistrate/NI Act -03**  
**Central/Delhi/09.04.2019**  
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