

IN THE COURT OF MR. HARGURVARINDER SINGH JAGGI,
ADDL. SESSIONS JUDGE (FTC– 01), SOUTH DISTRICT,
SAKET COURTS, NEW DELHI

CA No.: 38/2026
CNR No.: DLST01-000750-2026
u/Section: 138 NIA, 372 CrPC :: 413 BNSS



IN THE MATTER OF:

SMALL FARMERS AGRI BUSINESS CONSORTIUM

... Appellant/Complainant

Through – Mr. Dalip Singh, Advocate

v.

NEW TRUST HERBAL MEDICINE

... Respondent/Accused Person

Date of filing of appeal: 15.01.2026

Date of pronouncement of judgment: 29.01.2026

J U D G M E N T (O R A L)

1) This is an appeal against order dated 16.12.2025 (impugned order) passed by the Court of Ld. Judicial Magistrate First Class (NI) Act -01, South District, Saket Court Complex, New Delhi (Trial Court) in a complaint case titled as ***Small Farmers Agri Business Consortium (SFAC) v. M/s New Trust Herbal Medicine in CT Case No. 9274/2018.***

2) The appeal was filed on 15.01.2026 and on examination of the certified copy, it is observed that the application for certified copy was

filed on 08.01.2026 and the certified copy was ready and provided to the appellant on 14.01.2026. The appeal preferred by the appellant is found to be within the prescribed period.

3) By impugned order, the Trial Court dismissed the aforementioned complaint case preferred by the appellant for non-prosecution citing that despite opportunities granted to the appellant/complainant, to trace the fresh address and whereabouts, the respondent/accused person remain untraceable.

4) On careful perusal of the certified copy of the record of proceedings of the complaint case filed by the appellant, it is observed that the Trial Court had granted repeated opportunities, however, the accused remain evasive and untraceable. It is also observed that the term loan was granted as venture capital to the respondent for a sum of ₹15,40,000/-.

5) In the adversarial nature of proceeding, it is always in the best and larger interest of society that all disputes come to an end in accordance with law. Further, it cannot be lost sight that indeed the appellant did take steps before the Trial Court and seemingly it appears that the respondent/accused person is screening himself. The reason and basis of the above observation is that not only parties entered into a written contract, but also the loan was granted and loan money was transferred by the appellant to the respondent through banking channel.

6) This Court is of the considered view, to set aside the impugned order dated 16.12.2025 and in the larger interest of justice grant an opportunity to the appellant, to trace the fresh address of the

respondent/accused person, subject to costs of ₹2500/-. Let the aforesaid cost be deposited by the appellant with DLSA, South District, Saket Courts, New Delhi. Let the proof of deposit of cost be filed before the Ld. Trial Court on **12.02.2026**.

7) The appellant/complainant is directed to appear before the Trial Court on **12.02.2026 at 02:00P.M.** Accordingly, the impugned order is set aside and it is so ordered that the complaint case titled as ***Small Farmers Agri Business Consortium (SFAC) v. M/s New Trust Herbal Medicine in CT Case No. 9274/2018*** be restored on the docket of the Trial Court and be decided in accordance with law.

8) The appeal stands allowed in above terms. Let a copy of this judgment be transmitted to Trial Court forthwith. Let a copy of this judgment also be given to the appellant/complainant through counsel.

9) File be consigned to Record Room only after due compliance and necessary action, as per applicable rules.

**Pronounced in the open Court
on January 29, 2026**

**(Hargurvarinder Singh Jaggi)
Addl. Sessions Judge (FTC-01)
South District
Saket Courts, New Delhi**

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Note: *This judgment comprises of 3 pages in total. The electronic signature certificate (digital signature) of the Presiding Officer has been appended on the last page of the electronic or digital copy (PDF) of this document.*