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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CRL.M.C. 3238/2025**

SANJAY CHAUHAN

.....Petitioner

Through: Mr. Nitin Kumar Gupta, Advocate.

versus

STATE OF NCT OF DELHI AND ANR.

.....Respondents

Through: Ms. Manjeet Arya, APP for State.

CORAM:

HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER

% **08.05.2025**

[Physical Hearing/Hybrid Hearing (as per request)]

CRL.M.A. 14272/2025 (exemption)

1. Allowed, subject to all just exceptions.

CRL.M.C. 3238/2025 & CRL.M.A. 14271/2025 (stay)

2. Petitioner, facing trial under Section 138 Negotiable Instruments Act has assailed order dated 21.04.2025 of the learned trial magistrate. The impugned order is extracted below:

"Ct. Cases No.: 533304/2016

Ess Kay Trading Company

Vs. Shivramwati

21.04.2025

Assistant Ahlmad and regular Stenographer are on leave today.

File taken up on the application for cancellation of NBWs.

Present: Sh. Kapil Singhal, Ld. Counsel for the complainant.

Ms. Pranjal Vyas and Sh. Aayush Tripathi, Ld.

This is a digitally signed order.

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Counsel for the accused.

Heard.

For the reason stated in the application, NBWs issued again, the accused is stayed till 05.05.2025 subject to his appearance before the court and payment of Rs. 2,00,000/-.

Copy of this order be given dasti to the learned Counsel for the accused as requested.

S/d/-

(Anubhav Bijalwan)

Judicial Magistrate First Class (NI Act) -03

Central/Delhi/21.04.2025”

3. Learned counsel for petitioner submits that the impugned order is not sustainable in the eyes of law because for stay or even cancellation of non-bailable warrants, the penalty must have some relevance/nexus with the default and not with merits of the case. It is explained by learned counsel for petitioner that failure of the petitioner to appear before the trial court was on account of some *bona fide* miscommunication between the petitioner and his erstwhile counsel. It is further informed by learned counsel that subsequent to issuance of warrants also, the petitioner personally appeared with his counsel before the trial court on 12.03.2025 but the matter was adjourned to 27.03.2025 and thereafter to 02.07.2025. In the meanwhile, the petitioner filed an application, praying for disposal of his application for cancellation of warrants because police was haunting him. That application got listed on 21.04.2025 and the impugned order was passed. Across all these dates, the petitioner personally appeared before the trial court but neither he was arrested nor the warrants, purpose whereof was to secure his presence, were recalled.

4. Further, it is informed by learned counsel for petitioner that since petitioner expressed inability to pay Rs.2,00,000/- as directed under the

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impugned order, the non-bailable warrants continue against him till date.

5. Considering the above circumstances, operation of the impugned order is stayed till next date. Further, it is directed that till next date, the petitioner shall not be arrested under the above mentioned non-bailable warrants. However, the petitioner shall ensure to appear before the learned trial court on the date fixed and the subsequent dates as well.

6. Learned APP accepts notice for respondent no.1. Subject to petitioner taking steps within one week, notice through all modes be issued to the respondent no.2, returnable on 04.09.2025.

7. As requested, a *dasti* copy of this order under the signature of Court Master be given to learned counsel for petitioner.

GIRISH KATHPALIA, J

MAY 8, 2025/ry

[Click here to check corrigendum, if any](#)