

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Date of Order: January 28, 2019

+ **CRL.M.C. 433/2019, CrI.M.A. 1886/2019**

SINGHANIA AND PARTNERS Petitioner
Through: Mr. Vivek Goel and Mr. Kunal
Dutta, Advocates

Versus

WAE CORP INDIA PRIVATE LIMITED & ORS. ...Respondents
Through: Nemo.

+ **CRL.M.C. 439/2019, CrI.M.A. 1899/2019**

SINGHANIA AND PARTNERS Petitioner
Through: Mr. Vivek Goel and Mr. Kunal
Dutta, Advocates

Versus

WACORP HYUNDAI INDIA LIMITED & ORS.Respondents
Through: Nemo.

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

In the above captioned two petitions, the challenge is to order of 14th December, 2018 vide which, trial court in CC No. 645/2017 and 646/2017 has issued fresh summons to the accused in proceedings under Section 138 of Negotiable Instruments Act, 1881.

Notice of these petitions to opposite side is dispensed with, as the opposite side has not been served before trial court in pursuance to impugned order.

Since the issue of these two petitions is identical, therefore, the above captioned petitions have been heard together and are being disposed of by this common order.

Learned counsel for petitioner draws the attention of this Court to the trial court's order of 18th July, 2017 and its perusal reveals that respondent No. 1 herein is already served and so there is no requirement for serving first respondent again. It is submitted that bailable warrants against first respondent ought to have been issued by the trial court.

Upon hearing, impugned order of 14th December, 2018 is modified to the extent that summons be now served upon respondent Nos. 2 and 3 and the presence of first respondent be obtained by issuance of bailable warrants against respondent No. 1 as he is already served. It is so recorded in trial court's order of 18th July, 2017.

With aforesaid modification in the impugned order, both petitions and applications are accordingly disposed of.

Dasti.

(SUNIL GAUR)
JUDGE

JANUARY 28, 2019

p'ma