



2026:DHC:8666



\$~19, 20, 21, 22

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% **Date of Decision: 30.09.2026**# **CNR No. DLHC010448642026**+ **CRL.M.C. 7019/2026 and Crl.M.A.29313/2026**

(19) SANJEEV J AERENPetitioner

Through:

versus

SHARI REALTECH PVT. LTD.

.....Respondent

Through:

CNR No. DLHC010448652026+ **CRL.M.C. 7020/2026 and Crl.M.A.29315/2026**

(20) SANJEEV J AERENPetitioner

Through:

versus

SHAHI REAL TECH PVT. LTD

.....Respondent

Through:

CNR No. DLHC010448662026+ **CRL.M.C. 7021/2026 and Crl.M.A.29317/2026**

(21) SANJEEV J AERENPetitioner

Through:

versus

SHAHI REALTECH PVT. LTD

.....Respondent

Through:

CNR No. DLHC010448672026+ **CRL.M.C. 7022/2026 and Crl.M.A.29319/2026**

(22) SANJEEV J AERENPetitioner

Through:

versus

SHAHI REALTECH PVT. LTD.

.....Respondent

Through:



2026:DHC:8666

**Presence:**

Mr. Praveen Kumar, Mr. Surender Sinha, Mr. Suman Raj, Mr. Shivam Arora and Mr. Nikunj Tripathi, Advs. for petitioner in item nos.19 to 22.
Dr. Farrukh Khan, Ms. Tanzeela Farheen and Ms. Rashi Khandelwal, Advs. for respondent in item nos.19 to 22.

CORAM:**HON'BLE MR. JUSTICE SACHIN DATTA****SACHIN DATTA, J. (ORAL)**

1. These four petitions raise a common issue concerning issuance of non-bailable warrants against the petitioner in the complaint cases instituted by the respondent under the Negotiable Instruments Act, 1881.
2. The petitioner is the accused no.2 in the concerned complaint cases.
3. The petitioner assails an order dated 31.08.2026, passed by JMFC (NI-Act)-03/South East/Saket Courts, New Delhi in CC Nos.9088/2018, 10587/2018, 42656/2024 and 2010/2022 respectively. The same reads as under:

"31.08.2026*The undersigned is also working as 2nd Link JMFC today.**Present: Ms. Tanzeela Farheen, Ld. Proxy Counsel for complainant.**Sh. Sameer Rai, Ld. Counsel for the accused no. 1, 2, 4 & 5.**Sh. Abhijeet Singh, Ld. Counsel for accused no. 3.**Accused no. 5 in person.**Accused no. 2 is absent.**Matter is at the stage of report on settlement/ framing of notice qua accused no. 1 & 2/ admission and denial / CE.**Ld. counsel for accused has requested for exemption from physical appearance of accused no. 3 in court today on the ground of illhealth.**Heard. Allowed for today only.**Ld. counsel for accused has requested for exemption from physical appearance of accused no. 4 in court today on the ground as mentioned in the application.**Heard. Allowed for today only.*



2026:DHC:8666



Ld. counsel for accused has requested for exemption from physical appearance of accused no. 2 in court today on the ground of ill-health. Medical certificate is on record.

Heard.

Perusal of the record reveals that accused no. 2 has not entered into an appearance since, 31.07.2024.

Further, perusal of the record reveals that several adjournments have already been sought at the instance of the accused no. 2.

Perusal of ordersheet dated 13.04.2026 and 20.07.2026 indicate the conduct of accused no. 2. Further, cost in terms of previous order has also remained unpaid by accused no. 2, therefore, indicating the lack of bonafide on his part.

Further, the medical certificate placed on record by the Ld. Counsel for accused no. 2 is not the original certificate and is not issued by any Govt. Hospital.

In light of the previous conduct of accused no. 2, the medical certificate does not inspire the confidence of this Court.

It is evident that accused no. 2 is deliberately avoiding the process of the court.

Therefore, this court does not deem it appropriate to allow the exemption application moved on behalf of accused no. 2.

Issue fresh NBWs against the accused no. 2 to be executed through SHO concerned on filing of PF within 15 days from today, returnable on NDOH.

Ahlmad is directed to issue process within three days from filing of PF positively.

Put up for further proceedings on 04.11.2026.

-sd-

**JMFC(NI-Act)-03/SE/ SAKET COURTS
NEW DELHI /31.08.2026**

At 12:39 PM

Present: Sh. Sameer Rai, Ld. Counsel for the accused no. 2.

At this stage, Ld. Counsel for accused no. 2 has placed on record receipt of cost in terms of previous order.

Put up for purpose fixed on date fixed.

-sd-

**JMFC(NI-Act)-03/SE/ SAKET COURTS
NEW DELHI /31.08.2026"**

4. The limited question is whether the petitioner's attendance is required to be secured through non-bailable warrants in the circumstances disclosed by the aforesaid impugned order.



2026:DHC:8666



5. At the outset, it is noticed that the conduct of the petitioner has been quite abhorrent. There has been persistent non-appearance, as a result of which, the Trial Court was impelled to pass the aforesaid order. Although the petitioner is stated to have appeared virtually on a few dates of hearing, the same by itself does not excuse the failure to comply with a specific direction for physical appearance.

6. In the opinion of this Court, the Trial Court is not prevented from issuing non-bailable warrants where an accused deliberately evades proceedings. The Court is required to consider whether such a measure is necessary, on the particular facts.

7. In the context of the present case, this Court finds no infirmity in the directions in the impugned order. However, during the course of hearing, the petitioner, who is present in person, unequivocally undertakes that henceforth he shall appear on every date before the concerned Trial Court, unless specifically exempted beforehand.

8. The petitioner is also agreeable to be subject to reasonable costs for his lapse in not appearing despite directions of the Trial Court in the past.

9. Accordingly, subject to the petitioner paying a cumulative cost of Rs.1,00,000/- (Rupees One Lakh) to the respondent, the non-bailable warrants issued vide the impugned order dated 31.08.2026 stand cancelled.

10. As noticed above, the same shall be subject to the undertaking of the petitioner to appear not only on the next date of hearing before the Trial Court, but also on subsequent dates of hearing, unless an exemption is obtained beforehand.

11. Considering that these complaint cases (CC Nos.9088/2018, 10587/2018, 42656/2024 and 2010/2022) have been pending for several



2026:DHC:8666



years, the Trial Court is requested to bestow its urgent consideration to these complaints and make an endeavour to dispose of the same at the earliest, preferably within a period of one year from today.

12. The petitions are disposed of in the above terms.

SACHIN DATTA, J

SEPTEMBER 30, 2026/cl