2026:DHC:9621

$~88

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

% ***Date of Decision : 28.10.2026***

\# **CNR No.DLHC010600512025**

\+ **CRL.REV.P. 329/2025**

RAMA DAIRY PRODUCTS LIMITED .....Petitioner

Through: Mr. Manoj Kumar Garg, Mr. Shivam Garg, Advs.

versus

STATE GOVT OF NCT OF DELHI & ANR. .....Respondents

Through: Mr. Utkarsh (APP)

CORAM:
HON'BLE MR. JUSTICE SACHIN DATTA

SACHIN DATTA, J. (*ORAL*)

Crl.M.A.33687/2026 (Exemption from filing certified copies of annexures)

1. The application is disposed of with a direction to the petitioner to file certified copies of the annexures before the next date of hearing.

CRL.M.A.33686/2026 (Seeking stay of execution of NBWs)

2. The petitioner, Rama Dairy Products Limited, and Mr. Sunil Kumar, its Managing Director, were convicted by the learned ACMM (Special Acts), Central District, Tis Hazari Courts, Delhi, by judgment dated 23.02.2021 in Ct. Case No. 3336/2017 titled "Registrar of Companies v. Rama Dairy Products Limited", on two counts each, of the offence punishable under Section 137(3) of the Companies Act, 2013, the financial statements for the financial years 2013-2014 and 2014-2015 not having been filed within the period prescribed.

3. The appeal preferred by the petitioner company, being CA 250/2022, and the appeal preferred by Mr. Sunil Kumar in his individual capacity, being CA 251/2022, were both dismissed by the learned Additional Sessions Judge-05, Central District, Tis Hazari Courts, Delhi, by a common judgment dated 15.04.2025. The present revision petition, at the instance of the petitioner company, assails the said judgment. The petition is next listed for hearing on 20.01.2027.

4. Mr. Sunil Kumar has separately assailed the same common judgment dated 15.04.2025, insofar as it concerns him in his individual capacity, by way of CRL.REV.P. 326/2025. In the said petition, this Court passed the following order on 17.09.2025:–

> 1. This is a revision petition impugning the judgment dated 15.04.2025 passed by the Ld. ASJ in criminal appeal no. 251/2022, "Sunil Kumar v. ROC & Anr."
>
> 2. ROC filed a criminal complaint for the financial year 2013-2014 & 2014-2015. The Trial Court convicted the petitioner and imposed fine of Rs. 1,00,000/- each for financial years 2013-14 and 2014-15 and in default to undergo simple imprisonment for a period of 2 months.
>
> 3. The appeal filed by the petitioner came to be dismissed by the learned Sessions Court vide judgment dated 15.04.2025.
>
> 4. Learned counsel for the petitioner submits that Section 137 of the Companies Act came into effect from 01.04.2014 but common complaint was filed for the financial years 2013-2014 and 2014-2015, and therefore,

> the same was not maintainable. Moreover, it is submitted that Trial Court imposed a fine of Rs. 1,00,000/- which is more than what is prescribed under Section 137 of the Companies Act.
>
> 5. Issue notice. Notice is accepted by learned APP appearing for the State who seeks time to file the status report.
>
> 6. Re-notify on 11.03.2026.
>
> 7. In the meantime, the operation of the impugned order imposing fine is suspended till the next date.

5. On 22.07.2026, the learned Trial Court, proceeding upon the submission made on behalf of the convicts that there was no stay of the proceedings, directed issuance of non-bailable warrants against Mr. Sunil Kumar. The said order reads as under:

> It is submitted by Ld. Counsel that there is no stay on the proceedings of the present case.
>
> Convict Sunil Kumar (who also represented the company) has not appeared before the Court. No plausible explanation has been put forth for his absence. It is also pointed out that the convicts have not yet complied with the order on sentence dated 30.08.2022 despite several opportunities. It appears that convicts are deliberately evading the process of law and intentionally not appearing before the Court. Hence, coercive measures are required to be taken to secure the presence of convict.
>
> Let NBWs be issued against Convict Sunil Kumar through SHO PS Subzi Mandi for next date of hearing.
>
> Be listed for purpose fixed on 28.09.2026.

6. The warrants have not been executed. Mr. Sunil Kumar has moved an application before the learned Trial Court for cancellation of the non-bailable warrants, which is stated to be pending. By order dated 28.09.2026, the learned Trial Court recorded that both the convicts were absent, that the process issued on the last date had not been received back, and directed that the previous order be complied with afresh; the matter now stands listed before the learned Trial Court on 11.12.2026.

7. By the present application, the petitioner company, acting through Mr. Sunil Kumar, seeks a stay of the execution of the non-bailable warrants dated 22.07.2026.

8. Learned counsel for the petitioner submits, on instructions, that Mr. Sunil Kumar shall appear in person before the learned Trial Court on 11.12.2026 and on every other date on which his personal presence is directed, and that no unnecessary adjournment shall be sought on his behalf.

9. It is relevant to notice that the sentence imposed upon Mr. Sunil Kumar is one of fine, with a sentence in default of payment, and that the operation of the order imposing fine has, in his individual revision petition being CRL.REV.P. 326/2025, been suspended since 17.09.2025. *Prima facie*, it does not appear that the learned Trial Court was apprised of the said order dated 17.09.2025 when it was submitted before it on 22.07.2026 that there was no stay. This Court, however, expresses no opinion on the correctness of the order dated 22.07.2026 as it is not in issue in the present petition, and the application for cancellation of the warrants awaits consideration by the learned Trial Court.

10. Having regard to the facts and circumstances, and since the present revision petition is not likely to be taken up before 20.01.2027, whereas the

learned Trial Court is to take up the matter for cancellation of non-bailable warrants on 11.12.2026, a limited interim protection is warranted, lest the challenge laid in the present petition be rendered infructuous. Accordingly, the following directions are issued:

i. The non-bailable warrants issued against Mr. Sunil Kumar vide order dated 22.07.2026 shall not be executed, provided that he appears in person before the learned Trial Court on 11.12.2026 and on every subsequent date on which his personal presence is directed by the learned Trial Court.

ii. The learned Trial Court shall decide the pending application for cancellation of the non-bailable warrants on its own merits, having regard to the orders passed in CRL.REV.P. 326/2025, and uninfluenced by any observation made hereinabove.

11. The application is disposed of in the above terms.

CRL.REV.P. 329/2025

12. List on the date already fixed, i.e., 20.01.2027.

SACHIN DATTA, J

OCTOBER 28, 2026/*uk*