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%. 04.10.2010

Present: Mr. Udayan Jain, Adv. for the petitioner.
Mr. U.L. Watwani, APP for the State.

+Crl. M.A. 16011/2010

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Allowed, subject to all just exceptions.

Application stands disposed of.

Crl. M.C. 3190/2010

By this petition under Section 482 Cr.P.C petitioner seeks to challenge the orders dated 1st February, 2010 and 24th May, 2010 passed by Metropolitan Magistrate, Delhi whereby complaint has been dismissed on the ground that the same had not been filed through a Power of Attorney holder. It was contended before the Metropolitan Magistrate that in view of the General Regulation nos. 76 and 77 framed by the Reserve Bank of India in exercise of power conferred under Section 50(3) of State Bank of India Act, 1955 coupled with gazette notification dated 27th March, 1987 Branch Managers have been authorized to initiate and prosecute the complaint, thus, there was no requirement to present the complaint through a Power of Attorney holder.

Counsel for the petitioner submits that he would prefer a revision petition before the Sessions Judge, against the order of the

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Metropolitan Magistrate, in view of Section 397 Cr.P.C., which remedy is available to the petitioner. He seeks leave to withdraw this petition with liberty to approach the Sessions Judge. Leave and liberty granted. Petition is dismissed as withdrawn. It is pointed out that revision has become time barred. Petitioner may file an appropriate application seeking condonation of delay in filing the revision petition and in case any such application is filed, the same shall be considered by the concerned court sympathetically.

Dasti.



A.K. PATHAK, J.

October 04, 2010

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