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

Date of Decision: March 10, 2015

+ CRL.M.C. 4027/2014

MARY MANUEL Petitioner

Through: Mr. Trideep, Mr. Shivam &
Mr. Devashish, Advocates

versus

MICHAEL LEBON Respondent

Through: Mr. Rajeev Sirohi, Advocate

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

JUDGMENT
(ORAL)

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Vide impugned order of 5th June, 2014, proceedings under Section 82 of the Cr.P.C. against respondent-accused have been dropped with the rider that respondent-accused shall take permission of the trial court before leaving the country.

The challenge to the impugned order of 5th June, 2014 (*Annexure P-1*) is on the ground that respondent-accused is deliberately delaying the proceedings and he was aware of these proceedings but still he has chosen not to appear before the trial court and so, dropping of the proceedings under Section 82 of the Cr.P.C. against respondent-accused is unwarranted.

Learned counsel for respondent-accused submits that the FIR in

question had been already quashed by a Coordinate Bench of this Court in the year 2011 and Apex Court vide order of 14th August, 2013 (*Annexure P-2*) restored the FIR in question and the said order was passed behind the back of respondent-accused, who had filed an application for recall of order of 14th August, 2013 and the said application was dismissed by the Apex Court in January, 2015. It was submitted that respondent-accused was not aware of these proceedings between the year 2011 and the year 2014 and so, proceedings under Section 82 of the Cr.P.C. have been rightly dropped and there is no infirmity in the impugned order.

Upon hearing both the sides and on perusal of the material on record, I find that impugned order does not suffer from any illegality or perversity. There is no substance in this petition. This petition is accordingly dismissed.

(SUNIL GAUR)
JUDGE

MARCH 10, 2015

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