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

+ CRL.A. 450/2006

TILAK RAJ TANWAR

..... Appellant

Represented by: None.

versus

PUSHPA GOEL & ANR.

..... Respondents

Represented by: Mr.Ashish Dutta, APP for the
State/R2.

CORAM:

HON'BLE MR. JUSTICE SURESH KAIT

ORDER

% **03.02.2016**

1. Vide the present appeal, appellant has assailed the impugned order dated 27.09.2004 passed by learned Trial Court in Criminal Complaint Case No.1/01 and sought direction for restoration of complaint of appellant to its original number.

2. Vide the impugned order dated 27.09.2004, learned Trial Court has passed the following order:-

“Complainant stands personally served through court notice issued for today and similarly Sh. Anil Kumar Chauhan Ld. Advocate for the complainant stands duly served the court notice. Exemption application has been moved by the Ld. Counsel for accused. Heard. Allowed for today only. Even on 24.1.2004 and 23.04.2004 none was present on behalf of the complainant. Today complainant / counsel has failed to put in appearance despite service of court notice. It so appears that complainant is no more interested in his present complaint. As such, the present complaint is hereby dismissed for want of prosecution. File be consigned to record room.”

3. Being aggrieved, appellant has filed the CrI.L.P. No.6/2005 and vide order dated 05.05.2006 this Court allowed it and consequently instant appeal being Criminal Appeal No.450/2006 is numbered.
4. The impugned order dated 27.09.2004 was passed by the Trial Court whereby complaint case of appellant was dismissed for non-appearance.
5. Order sheet reveals that none is appearing on behalf of appellant from the last three consecutive dates. So is the position even today. Even otherwise, there is no merit in the present appeal.
6. In view of above facts, instant appeal is dismissed on merits and for non-prosecution as well.

SURESH KAIT, J

FEBRUARY 03, 2016

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