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

+ CRL.M.C. 849/2016

ABID MALIK & ANR Petitioner

Through Mr.Anuj Aggarwal, Adv.

versus

STATE GOVT OF NCT OF DELHI Respondent

Through Mr.Amit Chadha, APP with SI
Anand, PS Subzi Mandi.

CORAM:

HON'BLE MR. JUSTICE P.S.TEJI

ORDER

% **27.04.2016**

The present petition has been filed against the order dated 28.10.2015 passed by the learned ASJ vide which the revision petition filed against the order dated 11.05.2015 passed by the learned MM has been dismissed.

I have heard the counsel for the petitioner.

Perusal of file shows that the learned MM passed the order dated 11.05.2015 on the application for recalling the orders dated 24.12.2014 and 13.03.2015 vide which the accused was declared Proclaimed Offender and process under Section 83 Cr.P.C. was issued on account of absence from the criminal system. The interim protection was granted to the accused on 13.11.21014, but the accused did not cooperate and as a result the anticipatory bail application was dismissed 28.11.2014. Thereafter, after the filing of

revision petition, the petitioner did not appear.

Learned counsel for the petitioner has referred to a judgment in the case of *Nisha Sharma and ors. v. Vinod Kumar Sharma* **MANU/DE/0290/1989**.

The facts and circumstances of the present matter shows that it is the wilful absence of the petitioner from the Court since long and he is avoiding the appearance which led to the initiation of proceedings under Section 82 Cr.P.C .

In the facts and circumstances, I do not find any justification to invoke the power under Section 482 Cr.P.C. at the behest of the petitioner who has already been declared Proclaimed Offender under Section 82 Cr.P.C.

The present petition is accordingly dismissed.

P.S.TEJI, J

APRIL 27, 2016
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