

\$~13

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

+ CRL.L.P. 757/2015

NEERAJ SAINI

..... Petitioner

Through

Mr. Ritesh Kumar Bahri, Mr. Vinay Gupta, Mr. Randeep Rehan and Mr. Ashwani Sharma, Advocates

versus

GOPI RAM AGGARWAL

..... Respondent

Through

Respondent in-person

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

ORDER

%

10.03.2016

CRL.L.P. 757/2015

Mr. Gopi Ram Aggarwal, the respondent who appears in person invites my attention to the orders dated 18th June, 2015 and 18th August, 2015 passed by the learned ACMM, Karkardooma Courts, Delhi whereby the leave petitioner was directed to pay costs in the sum of Rs.2,000/- and Rs. 5,000/- respectively to the respondent herein.

A sum of Rs. 7,000/- in compliance of the above directions has been handed over by the leave petitioner to Mr. Gopi Ram Aggarwal in Court today. The latter acknowledges the receipt thereof.

The present petition seeks leave to appeal against the impugned order dated 27th August, 2014 whereby criminal complaint being CC No. 165/15 under Section 138 of the Negotiable Instruments Act, 1881 filed by the leave petitioner herein was dismissed for non-prosecution as well as for non-

Signature Not Verified

Signing Date: 25.09.2024 17:08:33
Certify that the digital and physical file have been compared and the digital data is as per the physical file and no page is missing.

appearance.

Notice.

Mr. Gopi Ram Aggarwal, the respondent who appears in person today, accepts notice and fairly does not oppose the present leave petition.

Accordingly, the criminal leave petition is allowed.

The matter is directed to be registered as a criminal appeal.

Crl. Appeal No. 274 /2016 (to be numbered)

With the consent of the parties, the appeal is heard and disposed of by way of this order.

A perusal of the impugned order reveals that the complainant (appellant herein) has been remiss in prosecuting his complaint filed before the concerned Court. Consequently, the complaint has been dismissed as aforesaid.

Mr. Gopi Ram Aggarwal, the respondent herein however states that he would have no objection if the present appeal is allowed and the complaint filed on behalf of the appellant herein is restored to the file of the concerned Magistrate for further proceedings in accordance with law.

In the present case, it is observed that the complaint has not been heard or adjudicated on merits.

In my view, therefore, an opportunity must be granted to the appellant to prosecute his complaint before the concerned court.

The appeal is, therefore, allowed.

The criminal complaint being CC No. 165/15 is restored to the file of the concerned Magistrate, Karkardooma Courts, Delhi, subject to payment of Rs. 5,000/- as costs to the respondent herein.

4

It is made clear that this is the final opportunity granted to the appellant to prosecute his complaint. No further opportunities shall be granted in the case.

The concerned Magistrate shall ensure that the case is determined as expeditiously as possible.

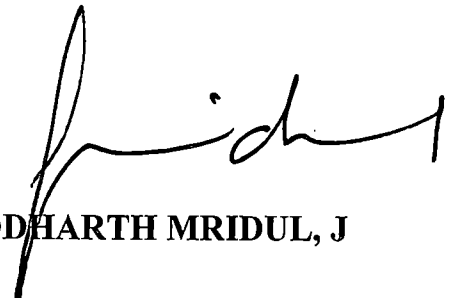
List the matter on 22nd April, 2016 before the concerned Magistrate, Karkardooma Courts, Delhi for further proceedings.

The appeal is disposed of accordingly.

Copy of this order be sent to the concerned Magistrate, Karkardooma Courts, Delhi for information and compliance.

MARCH 10, 2016

sd ✓


SIDDHARTH MRIDUL, J