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

+ **CRL.REV.P. 446/2016**

MOHD. KHURSHID

..... Petitioner

Through : Mr.Arun Kumar, Advocate with
Mr.Raghav K.Tiwari, Advocate.

versus

MASOOD AHMAD FAROOQUI

..... Respondent

Through : None.

CORAM:

HON'BLE MR. JUSTICE S.P.GARG

ORDER

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10.03.2017

CRL.M.A.No.4222/2017 (Exemption)

Exemption allowed subject to all just exceptions.

The application stands disposed of.

CRL.M.A.No.4221/2017 (For restoration)

1. The application has been filed for restoration of the Crl.R.P.446/2016 dismissed for non-prosecution by an order dated 07.11.2016.

2. I have heard the learned counsel for the petitioner and have examined the file. It is stated that the petitioner could not appear on that day as he had lost his pocket diary and mobile phone. The petitioner could not contact his counsel due to loss of mobile phone.

CRL.REV.P. 446/2016

page 1 of 2

3. None appeared on behalf of the petitioner despite various pass-overs on 07.11.2016. The application for restoration of the petition dismissed for non-prosecution was not moved promptly. The petitioner has taken four months to move the instant application for restoration. Apparently, the petitioner is not vigilant to pursue its petition. No plausible explanation has been offered for absence on 07.11.2016. No FIR was lodged by the petitioner for loss of mobile (if any). No explanation has been offered as to why the petitioner's counsel did not bother to apprise the Court about petitioner's absence on 07.11.2016.

4. I find no merit in the present application and it is dismissed.

S.P.GARG, J

MARCH 10, 2017 / tr