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

+ CRL.M.C. 2410/2016 & CrI.M.A. 10315/2016

MANISH GOEL

..... Petitioner

Represented by: Mr. Y.K. Goel with Mr.
Dushyant Swaroop, Advs.

versus

ANSAL BUILDWELL LTD

..... Respondent

Represented by: None.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

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05.12.2016

1. Despite service, none is present on behalf of the respondent.
2. Aggrieved by order dated 28th May, 2016 issuing non-bailable warrants against the petitioner, the petitioner prefers the present petition.
3. Petitioner is accused in complaint case No.611/1/09 for offence punishable under Section 499 IPC. He had been appearing before the Court however on 28th May, 2016 he could not appear as he was working in Doha, Qatar and was not present in India. An application for exemption was filed on behalf of the petitioner wherein it was clearly stated that the petitioner is working in Gulf and after taking leave he came to India and was present before the Court on 28th August, 2015 as had been directed by the Court. Since the petitioner could not get the leave, he could not be present before the Court on 28th May, 2016 and non-appearance was neither intentional nor deliberate but for the reason noted above, he should be exempted from appearing.

CRL.M.C. 2410/2016

Page 1 of 2

4. Vide the order dated 28th May, 2016 learned Metropolitan Magistrate dismissed the application for exemption on the ground that no reasonable excuse for absence was made out. From the contents of the application, it could not be held that no reasonable excuse was noted in the application. There is no finding by the Court that the petitioner is not working in Gulf and was present in Delhi on that date.
5. Considering the facts and circumstances of the case, non-bailable warrants issued against the petitioner vide order dated 28th May, 2016 are set aside. With regard to permanent exemption from appearing before the learned Trial Court, the petitioner would be at liberty to file an application before the learned Trial Court which if filed will be considered in accordance with law.
6. Petition and application are disposed of. Order dasti.

MUKTA GUPTA, J.

DECEMBER 05, 2016
‘v mittal’

