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

+ CRL.M.C. 3506/2016

NIKHIL SUNIL KOLBEKAR

..... Petitioner

Through: Mr.Arvind Singh and Mr.Sandeep
Sharma, Advocates.

versus

UNION OF INDIA & ANR

..... Respondents

Through: Mr.A.K.Gautam, Advocate.

CORAM:

HON'BLE MR. JUSTICE I.S.MEHTA

ORDER
22.09.2016

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Crl.M.A.No.14814/2016 (Exemption)

Exemption granted, subject to all just exceptions.

Application stands disposed of.

CRL.M.C. 3506/2016

Learned counsel for the petitioner submits that due to unavoidable circumstances, the petitioner could not appear before the learned ACMM on 15th September, 2016 and accordingly an application seeking exemption from his personal appearance was moved before the Court. However, the learned ACMM was not convinced with the reasons/grounds for non-appearance of the petitioner before the Court and hence issued NBWs

against the petitioner. Counsel further submits that the petitioner is a law-abiding citizen and always ready to obey the directions/orders of the Court and his absence on 15th September, 2016 was due to unforeseen circumstances which were beyond his control. Counsel further submits that the petitioner undertakes to appear before the learned Trial Court on the next date of hearing. He further submits that an application for cancellation of NBWs has been moved which is coming up for consideration before the learned ACMM tomorrow, i.e. 23rd September, 2016. Counsel accordingly prays that the NBWs issued by the learned ACMM against the petitioner may be cancelled/recalled and the petitioner be admitted to bail.

Learned Standing Counsel appearing for the respondent/Union of India, on the other hand, opposes the prayers made in the present petition and submits that the application moved by the present petitioner seeking cancellation of NBWs is now coming up for consideration tomorrow and hence the petition moved by the petitioner is premature.

Keeping in view the fact that the petitioner was already on regular bail and NBWs have been issued against the petitioner because of unavoidable circumstances due to which he could not appear before the learned ACMM on the date fixed, the order dated 15th September, 2016 passed by the learned ACMM whereby NBWs have been issued against the petitioner, is hereby set aside/quashed and the NBWs issued against the petitioner are cancelled. The petitioner is admitted to bail on his furnishing personal bond in the sum of Rs.20,000/- with one surety of the like amount to the satisfaction of the Court concerned. The petitioner is, however, directed to appear before the learned ACMM on 7th October, 2016, the date fixed in the matter.

With the aforesaid direction, the present petition is disposed of.

A copy of this order be given *dasti* to counsel for the petitioner under the signatures of the Court Master, as prayed.

I.S.MEHTA, J

SEPTEMBER 22, 2016

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