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

+ **Crl.M.C. No.4880/2016 & Crl.M.A. Nos.20243/2016 & 20244/2016**

**SANJAY SRIVASTAVA**

..... Petitioner

Through

Mr.Atul Nanda, Sr. Adv. with  
Mr.Keshav Mohan, Adv., Mr.Rishi K.  
Awasthi, Adv., Mr.Deepak Pathak,  
Adv., Mr.Shyam Kumar, Adv.

versus

**M/S K.C. FIBERS LIMITED**

..... Respondent

Through

Mr.K.K. Ghai, APP for the State.

**CORAM:**

**HON'BLE MR. JUSTICE P.S.TEJI**

**ORDER**

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**23.12.2016**

**Crl.M.A. No.20244/2016**

Exemption allowed, subject to just exceptions.

**Crl.M.C. No.4880/2016 & Crl.M.A. Nos.20243/2016**

The present petition has been filed by the petitioner against the order dated 20<sup>th</sup> December, 2016 passed by the learned Metropolitan Magistrate, North District, Rohini Courts. By way of the present petition, the petitioner seeks exemption from personal appearance of the petitioner before the trial court on 26<sup>th</sup> December, 2016.

Perusal of the impugned order dated 20<sup>th</sup> December, 2016 shows that the learned Magistrate observed that on the next date of

hearing, request for adjournment or exemption application may not be entertained. Definitely, the next date i.e. 26<sup>th</sup> December, 2016 is yet to come.

In the facts and circumstances, this court is of the considered opinion that the grant of exemption is the sole prerogative of the trial court and it needs to be considered only on the date of hearing.

In the facts and circumstances, I do not find any merit in the present petition. The present petition and application are dismissed.

However, the order passed by this court shall not come in the way if any application is moved for exemption on 26<sup>th</sup> December, 2016.

Let copy of this order be given dasti under the signatures of the court master of this court.

**P.S.TEJI, J**

**DECEMBER 23, 2016/aa**