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

+ CRL.L.P. 208/2016

N N GAUTAM

..... Petitioner

Through: Mr. Anil Rana, Advocate.

versus

STATE (GOVT OF NCT) & ANR

..... Respondents

Through: Mr. Mukesh Kumar, APP for the State.

Mr. M.T. Malik, Advocate for and along with respondent No.2 in person.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

ORDER

23.12.2016

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Respondent No.2 has appeared along with his counsel. He has expressed his regret for not appearing before the Court on the last date. He assures that henceforth he shall appear before the Court on each date of hearing. He has provided his mobile phone number, which is 9999794890. The same shall not be changed without prior intimation to the Court.

Leave granted.

Crl.Appeal No. 1222/2016 (to be registered and numbered)

Let the appeal be registered and numbered.

The petitioner has preferred the present appeal to assail the order dated 08.01.2016, whereby the complaint preferred by the appellant under Section 138 of the NI Act has been dismissed for non-appearance.

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Having heard learned counsel and perused the record, I am of the view that the impugned order deserves to be set aside and the appellant deserves to be granted one more opportunity to prove its case on merits.

On account of the fact that the appellant was negligent in pursuing the complaint and the respondent has been subjected to harassment, the appellant shall pay costs of Rs.10,000/- to the respondent. It is made clear that henceforth the appellant/ complainant shall be diligent in following up the matter and ensure that he and/ or his counsel appear before the Court on each date of hearing. Accordingly, the impugned order is set aside.

Let the parties appear before the learned Magistrate on 09.01.2017.
The costs be paid before the Trial Court on the next date.

The appeal stands disposed of in the aforesaid terms.



VIPIN SANGHI, J

DECEMBER 23, 2016

B.S. Rohella