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

+ CRL.M.C. 3566/2015 & Crl.M.A. No.12654/2015

ANAMIKA NAG & ANR Petitioners
Through Mr.Nitin Rai Sharma, Adv.

versus

THE STATE (NCT OF DELHI) & ANR Respondents
Through Ms.Manjeet Arya, APP for the State
with SI Anand Kumar, PS Mehrauli.

CORAM:
HON'BLE MR. JUSTICE P.S.TEJI

ORDER
% **11.02.2016**

Learned counsel for the petitioners has submitted that on 2nd June, 2015, the accused Tumpa Nag & Anamika Nag were absent and the counsel moved exemption application on behalf of the accused persons. The admitted position before this Court is that in the present case, the only one accused Amal Nag has been summoned and the petitioners in the present case have not been summoned.

In the absence of any order of summon, the accused could not be present before the Court below.

The grouse of the petitioners is that the name of the petitioners mentioned in the order dated 2nd June, 2015 is of no consequence as

the petitioners had been appearing before the Court on their own.

Consequently, this Court is of the considered opinion that in the absence of any summoning order, appearing on their own does not give any cause of action to the petitioners. The petitioners have sought exemption from personal appearance. Admittedly, there is no order of appearance in the Court and in the absence of any order, no question of exemption thereof arises.

Consequently, in the facts and circumstances, no cause of action arises and no order is required to be passed in this petition.

The petition is disposed of accordingly.

P.S.TEJI, J

FEBRUARY 11, 2016

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