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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CRL.M.C. 8/2016

SANDEEP MONGA

..... Petitioner

Represented by: Mr.Ravi Sharma, Advocate.

Versus

RAKESH JAIN

..... Respondent

Represented by: None.

CORAM:

HON'BLE MR. JUSTICE SURESH KAIT

ORDER

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14.01.2016

1. Vide the present petition, the petitioner has assailed the order dated 19.06.2015 passed in complaint case No.M/111/14 by the learned Metropolitan Magistrate and the order dated 02.09.2015 passed in Criminal Revision No.14/2015 by the learned Additional Sessions Judge.
2. Perusal of the order dated 19.06.2015 reveals that the complainant/petitioner was not appearing in the case since long, therefore, the learned Metropolitan Magistrate dismissed the case of the petitioner.
3. Being aggrieved, the petitioner challenged the same in the revision mentioned above. However, the same was dismissed by the learned Revisional Court vide order dated 02.09.2015 by observing as under:-

“5. Since application for revival of the complaint and the copy of the receipt filed with the application was not linked with the file, it seems that Ld. Trial Court dismissed the complaint on 19.06.2015 being ignorant of the filing of separate

application for revival. However, as per the orders of the Hon'ble High Court dated 17.04.15 the order of restoration of the complaint was subject to deposit of cost of Rs.10,000/- with Prime Minister Relief Fund within two weeks. The receipt of Rs.10,000/- annexed by the petitioner with his application before the Ld. Trial Court is of 07.05.2015 i.e. beyond the period of two week's time granted by Hon'ble High Court for deposit of cost. Since the petitioner did not deposit cost imposed in time, the order of restoration of the Hon'ble High Court being conditional, the complaint filed by the petitioner could not be revived. I therefore find no merit in the revision petition, the same is dismissed. The revision file be consigned to record room. Trial Court Record be sent back with copy of the judgment."

4. It is noted that this petition was listed before this Court on 04.01.2016. Though, none appeared on behalf of the petitioner on that date, however, this Court did not pass any adverse order and adjourned the same for today, i.e., on 14.01.2016.

5. Today, learned proxy counsel appearing on behalf of the petitioner seeks an adjournment on the ground that the main counsel is in some personal difficulty.

6. Keeping in view the orders dated 19.06.2015 passed by the learned Metropolitan Magistrate and 02.09.2015 passed by the learned Revisional Court and the fact that the petitioner is not serious in pursuing this case, the instant case is dismissed for non-prosecution.

SURESH KAIT, J.

JANUARY 14, 2016/sb