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

+ CRL.M.C. 280/2017

SUSENJIT MALIK

..... Petitioner

Through: Mr.Pinaki Addy, Adv. with
Mr.Sharda Garg, Adv.

versus

NCT, DELHI & ANR

..... Respondents

Through: Mr.Izhar Ahmad, APP for State

CORAM:

HON'BLE MR. JUSTICE I.S.MEHTA

ORDER

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23.01.2017

CRL.M.A.1226-1227/2017

Exemption granted, subject to all just exceptions.

Applications stand disposed of.

CRL.M.C. 280/2017 & CRL.M.A.1225/2017

This is a petition under Section 482 Cr.P.C for quashing of proceedings under Section 83 Cr.P.C dated 24.10.2016 issued against the petitioner by Shri. Atul Kumar Garg, learned ASJ-01, South-West District, Dwarka Courts, New Delhi, in Case No.440304/16 titled "Susenjit Malik versus National Capital Territory of Delhi Anr."

It is submitted by learned counsel for the petitioner that the petitioner could not appear before the Court below on medical grounds. Counsel for the petitioner has submitted that the petitioner's non appearance before the Court below is not intentional but due to medical problems. He has

submitted that proceedings under Sections 83 Cr.P.C were initiated against the petitioner. He has further submitted that the petitioner wants to participate in the Trial Court proceedings and submits that to meet the ends of justice, the impugned order dated 24.10.2016 be set aside.

Learned APP for State has vehemently opposed the contention of learned counsel for the petitioner and submitted that the petitioner's non appearance before the Court below is deliberate and prays that the present petition be dismissed.

The plea taken by the petitioner for non appearance seems to be bonafide since there is a medical certificate on record. I am of the opinion that the petitioner is trying his best to participate in the Trial Court Proceedings. Resultantly, the petitioner is directed to appear before the Court below on or before 31st January, 2017 and to move an appropriate application before the concerned Court below who shall proceed the matter in accordance with law. In the meanwhile, in the event of his arrest he be released on bail on his furnishing bail bond in the sum of Rs.20,000/- with one surety of the like amount to the satisfaction of the Court below.

The present petition is disposed of accordingly. All pending application(s) (if any) also stand disposed of.

Copy of this order be given *dasti*.

I.S.MEHTA, J

JANUARY 23, 2017/radhika