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

+ CRL.REV.P. 120/2017

MD. JILANI KHAN Petitioner

Through: Mr. Rajesh Khaware, Adv.

versus

NCT OF DELHI Respondent

Through: Mr. Arun Kr. Sharma, APP for State
along with SI Naresh Kumar, P.S.
Uttam Nagar, South West Distt.

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

% **11.04.2017**

On 3rd October, 2016, petitioner did not appear before the trial court, consequently, NBWs were issued against him returnable for 3rd November, 2016. Petitioner filed an application for cancellation of NBWs but the same was dismissed by the trial court for want of complete medical documents. Petitioner did not appear before the trial court on 3rd November, 2016 and, thereafter, on 22nd December, 2016 and 11th January, 2017. Petitioner again did not appear before the trial court and filed an application for cancellation of the NBWs but the same was again dismissed vide order dated 11th January, 2017 for want of complete medical documents. Thereafter, matter was fixed for 5th April, 2014 for prosecution evidence.

It is submitted that petitioner has appeared before the trial court on 5th April, 2017 after recovering from his injuries. It is submitted that petitioner

had met with an accident and sustained fracture in his left knee besides other injuries. Injuries did not heal, inasmuch as left knee became worse. Petitioner was ultimately operated in Fortis Hospital. He was admitted on 18th November, 2016 and was discharged on 20th November, 2016 after the operation. Even at the time of discharge, petitioner was advised bed rest for 8 weeks. Prior thereto, petitioner had received treatment at Ansari Hospital, Sagarpur, New Delhi. Initially petitioner was treated in a hospital at Sitamarhi, Bihar.

Medical documents have been placed on record, which support the contentions of the learned counsel. Accordingly, order regarding issuance of NBW against the petitioner, is set aside.

Petition is disposed of in the above terms. Miscellaneous application is disposed of as infructuous.

A.K. PATHAK, J.

APRIL 11, 2017

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