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

+ CRL.M.C. 2240/2017

DR R K JAIN

..... Petitioner

Through: Petitioner in person.

versus

STATE (NCT)

..... Respondent

Through: Ms. Manjeet Arya, APP with SI
Sangita, P.S. Preet Vihar.

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

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24.11.2017

Vide order dated 28th January, 2017 learned ASJ-02 has dismissed the revision petition no. 285/2016 of the petitioner for non-prosecution. Petitioner submits that he could not appear on 28th January, 2017 as his mother was hospitalised. Certificate issued by the Delhi Hospital and Maternity Home dated 15th February, 2017 has been placed on record, which indicates that petitioner's mother was indeed admitted in the aforementioned hospital on 26th January, 2017 as an indoor patient. Revision petition of the petitioner was dismissed on account of default of petitioner appearing in Court on 28th January, 2017. Petitioner has placed reliance on Madan Lal Kapoor vs. Rajiv Thapar & Ors. 2007 CRI.L. J. 4684 to contend that a Revision Petition cannot be dismissed in default.

Keeping in view that petitioner was incapacitated from appearing in Court on account of illness of his mother and also in view of the law laid down by the Supreme Court in Madan Lal (supra), criminal revision petition no. 285/2016 is resorted at its original number. Petitioner shall appear before the trial court on 10th January, 2018.

Petition is disposed of.

A.K. PATHAK, J.

NOVEMBER 24, 2017

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