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

+ CRL.A. 528/2017

PARAM DEV SEHRAWAT

..... Appellant

Through: Mr. Satyendra Kajla, Advocate.

versus

PRADEEP KUMAR GROVER

..... Respondent

Through: Ms. Saahila Lamba, Advocate.

CORAM:

HON'BLE MR. JUSTICE VINOD GOEL

ORDER

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01.09.2017

1. Trial court record has been received.
2. It is pointed out that this appeal was admitted on the last date of hearing. Learned counsel for the respondent and the appellant submit that appeal may be heard.
3. It is submitted by learned counsel for the appellant that since the respondent was declared a proclaimed offender on 19.3.2014, the matter was adjourned *sine die* by the learned MM on 15.04.2014. However, the accused was arrested and remanded in JC by the learned MM on 02.06.2014. He submits that as directed by learned MM, no Court notice was served upon the appellant and the complaint was dismissed in default vide order dated 04.07.2014.
4. Learned counsel for the respondent on instructions submits that she has no objection if the complaint is restored at its original number subject to payment of cost. Learned counsel for the appellant submits that since he has

never been served with the court notice, appellant should not be burdened with the costs.

5. As directed by learned MM, the service of Court notice was effected on the appellant by affixation at his given address on 16.06.2014. In the circumstances, to secure ends of justice the order of the Trial Court dated 04.07.2014 dismissing the complaint under Section 138 of the Negotiable Instruments Act, 1881 is set aside and the complaint is ordered to be restored at its original number subject to payment of Rs.5000/-.

6. The parties are directed to appear before the Trial Court on 12.09.2017.

7. Trial Court Record be sent back forthwith along with the copy of the order.

VINOD GOEL, J.

SEPTEMBER 01, 2017

"sandeep"