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

+ **CRL.M.C. 2098/2017**

KUNDAN RICE MILLS LTD Petitioner
Through **Mr. Prithu Garg, Adv.**

versus

STATE Respondent
Through **Ms. Aashaa Tiwari, Addl. PP for State.**

CORAM:
HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER
% 22.05.2017

CRL. M.A. 8624/2017 (Exemption)

Exemption allowed, subject to just exceptions.

Application stands disposed of.

CRL.M.C. 2098/2017

By the petition filed under Section 482 Cr.P.C., the petitioner seeks restoration of the complaint filed under Section 138 N.I. Act, which was dismissed in default vide order dated 21.12.2016. It is pointed out that the accused have not yet been summoned. Default in appearance of the complainant, when the complaint came to be dismissed for non-prosecution, is attributed to the counsel for the petitioner, who was entrusted with the prosecution of the complaint. Entrustment of the case to the Advocate, by itself, does not absolve a litigant of his concern for the case.

Keeping in view the totality of the facts and circumstances, however, lest, the litigant may not suffer on account of any lapse attributable to the Advocate, the impugned order dismissing the complaint is set aside and consequently, the complaint is restored to its original number and stage, subject to costs of Rs.5,000/- to be deposited with DHCLSC within 15 days. Petition stands disposed of accordingly.

A. K. CHAWLA, J

MAY 22, 2017/rc