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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.REV.P. 580/2017
GOODDAY ENTERPRISES

..... Petitioner

Through : Mr. Hemant Kumar with Mr Manan
Malik, Advocates

versus

STATE

..... Respondent

Through: Mr.Raghuvinder Varma, APP for
State with SI Kajal Rani, P.S Vikas
Puri.

CORAM:
HON'BLE MR. JUSTICE I.S.MEHTA

ORDER

% **08.08.2017**

CRL. M. A. 12681/2017

Exemption granted subject to all just exceptions.

Application stands disposed of.

CRL.REV.P. 580/2017 & CRL. M. A. 12680/2017

Counsel for the petitioner has submitted that the court below has not passed the order on application under Section 156(3) Cr.P.C. before asking for pre-summoning evidence. Counsel for the petitioner has further submitted that the court below be directed to pass appropriate orders at the stage of 156(3) Cr.P.C. and relied upon a judgment of the Supreme Court in ***Suresh Chand Jain vs. State of M.P. and Another, (2001) 2 SCC 628.***

Learned APP for the State accepts notice. Learned APP has submitted that the order passed was due to non-appearance of the petitioner before the court below.

Looking into the above facts and circumstances, the court below is directed to pass orders on application under Section 156(3) Cr.P.C. after giving an opportunity of being heard to the petitioner.

The present petition is allowed. The impugned order dated 25.05.2017 is accordingly set aside. The petitioner is directed to appear before the court below on 09.08.2017.

A copy of this order be given *dasti*.

A copy of this order be sent to the court below forthwith.

The date of 24.10.2017 stands cancelled.

I.S.MEHTA, J

AUGUST 08, 2017

SR