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

+ CRL.M.C. 4420/2017

SURYA DHANRAJ

..... Petitioner

Through: Mr. Mobin Akhtar, Adv.

versus

THE STATE GOVT OF NCT OF DELHI

..... Respondent

Through: Mr. G.M. Farooqui, APP for State
with SI Dharmendra Kumar, P.S.
Mandir Marg.

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

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01.11.2017

Petitioner is mother and surety of accused Rajiv. She has filed this petition on behalf of her son, who is studying in Canada.

It is submitted that accused's course is going to be completed in the month of March, 2018, therefore, it is difficult for him to return to India at this stage, as he has to appear in the examination also. Petitioner is a widow and is not financially well-off and cannot ensure presence of accused in Court on the next date of hearing. All the material witnesses have already been examined and only police officials are to be examined. Accused does not dispute his identity. Petitioner's counsel will cross-examine the witnesses summoned for the next date of hearing.

Keeping in mind the totality of the facts and circumstances of this

case, the impugned order to the extent it orders for issuance of NBWs against the accused is set aside.

Accused is permitted to appear before the trial court on 9th November, 2017 through his lawyer. Trial court will make endeavours to fix the next date of hearing in the last week of March, 2018.

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

Dasti.

A.K. PATHAK, J.

NOVEMBER 01, 2017

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