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

+ CRL.L.P. 4/2016 and Crl.M.A.23/2016 (delay)

STATE BANK OF INDIA Petitioner
Through: Nemo.

versus

TARUN GUPTA Respondent
Through: Nemo.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

% **29.05.2017**

The present criminal leave petition under Section 378(4) of the Code of Criminal Procedure, 1973 (Cr.P.C.) seeks to assail the order dated 01.08.2015 whereby the criminal complaint case of the petitioner under Section 138 of the Negotiable Instruments Act, 1881, it being CC No.10433/14 was dismissed for non prosecution in the face of default by the petitioner (the complainant), the consequence thereof being that the respondent was acquitted.

By order dated 04.01.2016 notice had been issued to the respondent. Notice having been remained unserved, fresh notice was directed to issue as per order dated 27.09.2016, but steps were not taken. This was noted in order dated 12.01.2017 and opportunity was granted for fresh steps to be taken, with new address of the respondent statedly absconding also to be furnished, the notice to be returnable today.

None appeared for the petitioner when the matter was called out in the pre-lunch session. It was passed over. No one has appeared for the petitioner till 2:45 p.m.

The petition as well as pending application stand dismissed in default and for want of prosecution.

MAY 29, 2017
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R.K.GAUBA, J.