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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.REV.P. 69/2018**
HARENDRA SINGH BISTH Petitioner
Through: **Mr. Virendra Rawat and Mr. Kamal**
Kapoor, Advs.
versus

YACHNA PANWAR Respondent
Through: **Mr. Surinder Singh Barwal, Adv.**

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

ORDER
% **27.09.2018**

By this revision petition under Section 397 and 401 of the Code of Criminal Procedure, 1973, petitioner has assailed the order dated 21.09.2017 of the Appellate Court whereby, learned ASJ has dismissed the appeal of the petitioner for non-prosecution and non compliance of previous order. On 21.09.2017 appellant had remained unrepresented. Learned counsel for the petitioner submits that petitioner (appellant) was present in person in Court, however, he could not mark his presence when the matter was taken up. It is submitted that previous costs had already been paid on 26.04.2017 and this fact has been recorded in the said order. I have perused the order dated 26.04.2017 which clearly shows that previous costs of ₹16,000/- has been paid by the learned counsel for the petitioner to the counsel for the

respondent for onward transmission of the same to the respondent. Accordingly, in the interest of justice, impugned order dated 21.09.2017 is set aside and appeal is restored at its original number, subject to costs of ₹10,000/- to be paid by the petitioner to the respondent before the Appellate Court on the next date of hearing. Petitioner and respondent shall appear before the Appellate Court on 15.10.2018. Appellate Court shall hear the appeal on merits and disposed of the same in accordance with law. Appellate Court shall dispose of the appeal expeditiously.

Revision petition is disposed of in the above terms. Miscellaneous application is disposed of as infructuous.

A.K. PATHAK, J.

SEPTEMBER 27, 2018

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