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

+ CRL.M.C. 1205/2016

STATE BANK OF INDIA

..... Petitioner

Through: Ms. Jaya Tomar, Advocate

versus

STATE AND ANR

..... Respondents

Through: Mr. Ashish Dutta, APP for the State

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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25.07.2018

The criminal complaint (no.117/01/15) seeking prosecution of the second respondent was filed in January 2015 and it came up before the Metropolitan Magistrate for the first time on 21.01.2015. She listed the matter for consideration of pre-summoning inquiry on 08.07.2015. There was consistent default in appearance on part of the counsel for the complainant on 08.07.2015 and 06.10.2015 which led to the dismissal of the complaint in default by order dated 06.10.2015. The petitioner bank filed a revision petition (Cr. Revision 153/2015) which was, however, dismissed by order dated 23.11.2015.

The bank has approached this court by the petition at hand explaining that the counsel could not appear for some personal difficulty. The second respondent though served and having put in appearance has failed to appear at the time of hearing. No reply has

been filed. Even otherwise the case was at the stage of pre-summoning inquiry.

In the given facts and circumstances, on account of default on the part of the counsel, the bank should not suffer. The impugned order is set aside. The complaint is revived on the file of the Metropolitan Magistrate who shall proceed further thereupon in accordance with law.

The petitioner shall appear before the Metropolitan Magistrate on 17.08.2018.

The petition is disposed of in above terms.

R.K.GAUBA, J

JULY 25, 2018

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