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

+ CRL.M.C. 986/2018 & CrI. M.A. Nos. 3604-05/2018

MANISH KUMAR JAIN

..... Petitioner

Through

Ms. Anjali J. Manish, Mr. Priyadarshi
Manish and Mr. Sagar Rohatgi, Advs.

versus

STATE & ANR.

..... Respondents

Through

Dr. M.P. Singh, APP for respondent
no. 1
Mr. Satish Aggarwala, Adv. for
respondent no. 2

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

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05.03.2018

Received by transfer.

By this petition under Section 482 Cr.P.C., petitioner has assailed the order dated 22nd January, 2018 passed by the learned C.M.M., Patiala House, New Delhi, whereby process under Section 82 Cr.P.C. has been issued against the petitioner and notice to his surety, returnable for 5th April, 2018. Vide order dated 5th August, 2017 petitioner was summoned to appear before the learned C.M.M. in a complaint under Section 174 IPC. Summons were made returnable for 17th August, 2017. Despite service, petitioner did not appear before the learned C.M.M. and an application for

exemption from personal appearance was moved, which was allowed. Matter was listed for 24th August, 2017. Again petitioner did not appear and exemption application was moved, which was allowed with costs of ₹10,000/- and matter was listed for 4th September, 2017. Again exemption application was filed, which was dismissed and bailable warrants were issued, returnable for 15th September, 2017. On 4th September, 2017 an application was also filed for cancelling the warrants, which was taken up for hearing on 15th September, 2017. Bailable warrants were cancelled and costs of ₹10,000/- was deposited. Matter was listed for 6th December, 2017. Again petitioner did not appear on 6th December, 2017 and bailable warrants were issued, returnable for 12th December, 2017. On 12th December, 2017 petitioner again did not appear; accordingly, non-bailable warrants were issued, returnable for 22nd January, 2018.

From the facts narrated above, it is clear that petitioner had been avoiding to appear before the trial court. However, without going into the merits and demerits of this case, impugned order is set aside, subject to costs of ₹50,000/- to be deposited with Delhi Legal Service Authority within one week, on a specific undertaking given by the petitioner through his counsel that petitioner will appear before the trial court on the next date and

thereafter participate in the proceedings diligently. Petitioner shall not take unnecessary exemptions from personal appearance. Petitioner shall remain bound by the statement of his counsel.

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

A.K. PATHAK, J.

MARCH 05, 2018

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