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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CRL.L.P. 681/2017

NITU SINGH

..... Petitioner

Through : Mr.Kumar Sushobhan, Advocate.

versus

STATE NCT OF DELHI & ANR

..... Respondents

Through : Mr.Tarang Srivastava, APP.

Mr.Murari Tiwari with Mr.Rahul Kumar,
Advocates for R-2.

CORAM:

HON'BLE MR. JUSTICE S.P.GARG

ORDER

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20.02.2018

Crl.M.A.No.19582/2017 (Exemption)

1. Exemption allowed subject to all just exceptions.
2. The application stands disposed of.

Crl.M.A.No.19581/2017 (Delay), Crl.M.A.19583/2017

1. Learned counsel for the respondent No.2 has no objection to the condonation of delay in filing and re-filing the leave petition.
2. For the reasons mentioned in the application, the delay of 26 and 40 days in filing and re-filing the leave petition respectively is condoned.
3. The applications stand disposed of.

CRL.L.P. 681/2017

1. Learned counsel appearing for respondent No.2 has no objection to the grant of leave to appeal.

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been compared and the digital data is as per
the physical file and no page is missing.

2. For the reasons mentioned in the application, the petitioner is granted leave to file appeal.

3. Leave petition stands disposed of.

Crl.A.No. 226 (to be numbered)

1. During the course of arguments, the learned counsel for respondent No.2 only urged to burden the appellant with costs for his non-appearance before the court.

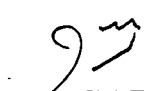
2. The complaint case filed by the appellant was dismissed for non-prosecution vide order dated 4.7.2017. The trial court had not issued any process in the said complaint case against the respondent. No prejudice would cause to respondent No.2 if complaint case dismissed in default is restored to its original number for the reasons detailed in the petition.

3. Considering the facts and circumstances of the case, the impugned order dated 4.7.2017 is set aside subject to costs of ₹5,000/- to be paid to respondent No.2.

4. The complaint case is restored to its original number.

5. List the matter before trial court on 5th March, 2018 for further proceedings.

6. The appeal stands disposed of accordingly.


S.P.GARG, J.

FEBRUARY 20, 2018 /sa

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