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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.L.P. 518/2018, CRL.M.A. 29549/2018**
HDFC BANK LIMITED Petitioner

Through: Mr. Harsh Sinha, Advocate.

versus

SUSHIL KUMAR Respondent

Through:

CORAM:
HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER
% **08.08.2018**

This petition seeks leave to impugn the order dated 04.06.2018 which dismissed the complaint petition under section 138 of Negotiable Instruments Act, 1881 on the ground that, for four consecutive dates spanning over almost a year, the complainant did not pursue this case. His Authorized Representative was not present in the Court and did not lead any evidence despite numerous opportunities having been granted to him; no worthwhile explanation was given by the said Authorized Representative in this regard.

The impugned order is based on the record and for substantive reason it has held:

“Matter is fixed for complainant evidence today.

Perusal of previous orders reveals that the AR of the complainant has not appeared before the court since last four dates of hearing.

Despite grant of repeated opportunities, AR of the

complainant has failed to put in appearance and lead complainant evidence or subject himself to cross examination by the accused.

Today also, none is present on behalf of complainant. No effective hearing has taken place since last four dates.

In view of the same, present complaint is dismissed for non-prosecution and non leading of evidence by the complainant.

Accused stands acquitted”.

The Court finds no reason to interfere with the impugned order. Accordingly, the petition is dismissed.

NAJMI WAZIRI, J

AUGUST 08, 2018

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