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

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Judgment delivered on: 31.10.2018

+ W.P. (CRL.) 3066/2018

KARAN MUTHA

..... Petitioner

versus

STATE

..... Respondent

Advocates who appeared in this case:

For the Petitioner : Mr. Akshay Bhandari, Adv. along with petitioner in person.

For the Respondent : Ms. Kamna Vohra, ASC for the State

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

31.10.2018

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner impugns order dated 04.10.2018 whereby application of the petitioner seeking cancellation of NBWs was dismissed and the petitioner was sent to judicial custody.

2. Petitioner is facing trial for offences under Sections 3, 4, 9 and 55 of the Gambling Act. Petitioner was granted bail by the Trial Court. However, petitioner failed to appear before the trial court on 04.09.2018, when the trial noticed that earlier also petitioner had failed to appear and NBWs were issued, however, the same were recalled subject to fine of Rs. 10,000/-.

3. On 04.09.2018, an application was filed by the petitioner seeking exemption from personal appearance as he was suffering from fever. Application was disallowed and NBWs were issued and subsequently application seeking recall of NBWs was rejected.

4. Petitioner was granted bail by this court by order dated 04.10.2018.

5. Petitioner has been charged with offences under Sections 3, 4, 9 and 55 of the Gambling Act which is punishable of imprisonment upto six months. It is informed that the co-accused had pleaded guilty and has been imposed fine only and no imprisonment has been awarded.

6. Learned counsel for the petitioner undertakes that the petitioner shall appear before the trial court on 02.11.2018 and shall appear as and when the matter is fixed and shall not absent himself without reasonable cause. The undertaking is accepted.

7. In view of the undertaking and in the facts and circumstances of the case, the impugned order dated 04.10.2018 rejecting the application of the petitioner seeking cancellation of NBWs by order dated 04.09.2018 issuing NBWs are set aside. The NBWs are accordingly recalled.

8. The petition is disposed of in the above terms.

9. Order *Dasti* under the signatures of the Court Master.

OCTOBER 31, 2018
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SANJEEV SACHDEVA, J