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

+ CRL.M.C. 5194/2018, CRL MA 33988-89/2018

ABDUL MANAN & ANR. Petitioners

Through Mr. Rakesh Tikku, Sr. Adv with
Mr. Sarfaraz Khan, Adv

versus

STATE & ANR. Respondents

Through Mr. Izhar Ahmad, APP for State

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

% **10.10.2018**

Vide order dated 28th July, 2018 learned Metropolitan Magistrate has issued process under section 82 Cr.P.C. against the petitioners (accused nos. 2 and 3 before the Trial Court). Learned senior counsel for the petitioners submits that petitioners could not appear as their mother was unwell and unfortunately she expired in the month of August, 2018. Despite this Trial Court did not grant exemption from personal appearance to them. First NBWs were issued and thereafter process under section 82 Cr.P.C has been issued.

Learned senior counsel for the petitioners submits that petitioners shall appear before the Trial Court on the date fixed, that is, 3rd November, 2018. Learned senior counsel for the petitioners further assures that in future petitioners will not take unnecessary

exemptions.

It is noted that on 28th July, 2018, counsel for petitioners was very much present in the Court.

For the foregoing reasons, without going into the merits or demerits of the contentions raised for non appearance of petitioners before the Trial Court on 28th July, 2018, impugned order is set aside. Petitioners shall appear before the Trial Court on 3rd November, 2018.

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

A.K. PATHAK, J

OCTOBER 10, 2018

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