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

+ CRL.M.C. 3635/2015

CUSTOMS

..... Petitioner

Through: Mr. Saurabh Sachdeva for Mr. P.C.
Aggarwal, Adv.

versus

MOHD AKBAR

..... Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

% **09.08.2018**

This petition was filed under Section 439 (2) of the Code of Criminal Procedure, 1973 (Cr.P.C.), read with Section 482 Cr.P.C. to seek cancellation of order dated 20.04.2015 whereby the respondent, an accused in the criminal complaint case (43/01/2015) involving offences under Sections 135 (1) (a) and 135 (1) (B) of Customs Act, 1962 was enlarged on bail. The notice of this petition has not been served on the respondent till date. The matter has been pending for the last three years. On being asked, the counsel for the petitioner submitted that the respondent has not been appearing before the trial court and this has led to initially non-bailable warrant being issued against him and thereafter proclamation under Section 82 Cr.P.C. If this be so, the order dated 20.04.2015 directing the release of the respondent on bail stands exhausted. The prayer for its

cancellation, thus, would be merely an academic exercise. The criminal court will undoubtedly take the matter to the logical end.

By abundant caution, however, it must be added that in case the respondent re-appears and seeks either cancellation of the duress processes or for he to be re-admitted on bail, his evasive conduct before this court and the submissions of the petitioner i.e. the Customs Department will be kept in mind.

With these directions and observations, the petition is disposed of.

R.K.GAUBA, J

AUGUST 09, 2018

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