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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 5897/2018**

SMT. ANURADHA CHOWDHARY Petitioner

Through Mr.Vikas Pahwa, Sr. Adv. with
Mr.S.S. Wani, Mr.Shadman Siddiqui
& Ms.Aashita Khanna, Advs.
Versus

STATE & ORS. Respondents
Through Ms. Neelam Sharma, APP for the
State with SI Madhurendra Kumar PS
EOW.
Mr.Viraj Jatan, Adv. for complainant.

CORAM:
HON'BLE MR. JUSTICE A.K. PATHAK

ORDER
% **26.11.2018**
Crl. M.A. 47865/2018

Allowed, subject to all just exceptions.

Application is disposed of.

Crl.M.C.5897/2018 & Crl.M.A.47866/2018

Petitioner is aggrieved by the orders dated 22.10.2018 and 29.10.2018 passed by the learned Metropolitan Magistrate, Delhi. Vide order dated 22.10.2018, process under Section 82 Cr.P.C. was issued as NBWs had remained unexecuted. The IO moved an application stating therein that petitioner had been intentionally not joining the investigation nor

cooperating, inasmuch as, there was apprehension of petitioner leaving the country in a planned manner.

Learned senior counsel submits that a notice under section 41-A Cr.P.C. was issued to petitioner for 26.07.2018. The petitioner appeared before the Investigating Officer pursuant to the said notice. His statement was recorded on 26.07.2018. On 01.08.2018, petitioner submitted a representation before the IO. Thereafter, petitioner was not called for any further investigation by the IO.

Issuance of notice under section 41-A has not been disputed by the learned APP. It is also not disputed that petitioner appeared before the IO on 26.07.2018 and his statement was recorded. Learned APP further submits that anticipatory bail application of petitioner was rejected way back on 04.11.2018.

Learned senior counsel submits that the facts stated aforesaid show that the petitioner has not avoided to appear before the IO. Petitioner is still willing to appear before the IO. Let petitioner appear before the IO on 27.11.2018 at 03:00 p.m. With these directions, the impugned orders are set aside.

Petition is disposed of in the above terms. Miscellaneous application

is disposed of as infructuous.

Dasti.

A.K. PATHAK, J

NOVEMBER 26, 2018

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