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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 5016/2017 & CRL.M.A. 19821/2017**

BHASKAR SEN Petitioner

Through: Ms. Sonakshi Monga, Adv.

versus

SURESH KUMAR VERMA Respondent

Through: Mr. Praveen Kumar Singh, Advocate.
Mr. Kamal Kr. Gheir, APP for State

CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER
% **02.04.2018**

Vide the present petition, the petitioner seeks quashing of the FIR and setting aside of the impugned order dated 14.02.2017 of the Court of the MM-03, NI Act, South West Dwarka vide which the application filed by the petitioner seeking cancellation of proceedings under Section 82 of the Cr.P.C. issued against the petitioner vide order dated 01.05.2013 and reconfirmed vide order dated 28.07.2014, was declined, it having been observed to the effect that the petitioner had already been declared a proclaimed offender, it having been submitted vide the present petition to the effect that the petitioner is seriously unwell and is a senior citizen aged about 68 years suffering from Osteo-Arthritis of the right knee & Lumbar spondylosis, hypertension, Coronary Artery Disease with Supraventricular Tachycardia and has been advised to take complete bed rest and

remains heavily on medication and in the circumstances has been unable to put in appearance before the Trial Court.

The copy of the proceedings dated 01.05.2013 of the Court of the learned MM-03, NI Act, Dwarka indicate that the petitioner herein in CC No. 3115/12 as one of the accused thereof was declared a proclaimed offender with proceedings under Section 83 of the Cr.P.C. having also been initiated against him *inter alia*.

In view of submissions that were made through the petition and submissions made on behalf of the petitioner qua the stated illness of the petitioner, to which effect submissions were made on 05.12.2017, 08.01.2018 and 01.03.2018, vide directions dated 01.03.2018 as a submission had been made on behalf of the petitioner by the learned counsel Ms. Sonakshi Monga present today also at Bar that the petitioner was wholly bed ridden and that is the reason that he was unable to comply with the directions of the learned Trial Court and the directions of this Court also vide order dated 08.01.2018 that he had to appear before the Trial Court without default on 09.01.2018 which could not be complied with due to the ailment of the petitioner. vide order dated 01.03.2018, the State was directed to submit a status report in relation to the medical condition of the petitioner on submission of the present address of the petitioner who was stated by the respondent not to be available at 16A, Lake View Road, Kolkata, West Bengal or anywhere else and thus the petitioner was directed to submit the residential address of the petitioner on an affidavit within a week w.e.f. 01.03.2018 with a copy thereof having been directed to be

supplied to the respondent and to the State for submission of the verification of the medical condition of the petitioner at the address so submitted by the petitioner. No such affidavit has been filed on behalf of the petitioner and learned counsel for the petitioner submits that intimation to this effect was sent to the petitioner who has merely sent an email along with some documents. No copy of any of the documents are also indicated to have been supplied to the State for any due verification.

The affidavit of the petitioner having not been submitted till date despite directions dated 01.03.2018 qua his present address and the petitioner having already been declared an absconder, there is no ground to allow the prayer made in the present petition which is thus declined and the petition thus dismissed.

ANU MALHOTRA, J

APRIL 02, 2018
NC