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

+ CRL.M.C. 6258/2018 and Crl. M.A. nos. 49279-80/2018

BIREN SABBARWAL Petitioner
Through Mr. Chandra Shekhar Yadav, Adv.

Versus

STATE & ANR. Respondents
Through Mr. M.S. Oberoi, APP with ASI
Joginder Singh, P.S.Defence Colony
Mr. Sunil Fernandes, Mr. Karan
Nagrath, Mr. Arnav Vidyarthi and
Ms.Anju Thomas, Advs. for
respondent no. 2

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

ORDER
% **10.12.2018**

Learned counsel for the petitioner submits that petitioner undertakes to appear before the trial court on 28th January, 2019, the date fixed in the matter. Learned counsel submits that pursuant to the order dated 9th July, 2016 passed in the bail application, petitioner deposited ₹10,00,000/-; thereafter, he was granted anticipatory bail. After the summons were issued, petitioner could not appear before the trial court personally since he was unwell and exemption application was also filed. Despite this, vide orders, fresh NBW and thereafter process under Section 82 Cr.P.C. has been issued.

Learned counsel for respondent no. 2 (complainant) admits that ₹10,00,000/- was deposited by the petitioner pursuant to the order passed in the bail application.

Without going into the merits and demerits of the contentions of petitioner regarding his non-appearance before the trial court, impugned orders, whereby NBWs and process under Section 82 Cr.P.C. have been issued, are set aside in view of the specific undertaking of the petitioner that he will appear before the trial court on the date fixed and will participate in the proceedings.

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

A.K. PATHAK, J.

DECEMBER 10, 2018
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