

\$~20

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

+ **W.P.(CRL) 226/2019**

BRAHAM PRAKASH

..... Petitioner

Through Mr. G.S. Sharma, Mr. R.A. Sharma &
Mr. V.K. Sharma, Advocates.

versus

STATE

..... Respondent

Through Mr. Rahul Mehra, Standing Counsel
(Crl.) along with Mr. Chaitanya
Gosain, Advocate for State.
Inspector Krishan Kumar and Mr.
Kuldeep Singh, P.S. Chhawala.

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

% **29.01.2019**

Crl. MA No. 2024/2019 (under Section 482 Cr.PC filed by the petitioner for restoration of the writ petition, dismissed in default on 23.01.2019).

The present application seeks recall of the order dated 23rd January, 2019, whereby, the petition was dismissed in default and for non-prosecution, owing to the circumstance that, there was no appearance on behalf of the petitioner despite the same having been passed over once.

Issue notice.

Mr. Rahul Mehra, learned Standing Counsel (Criminal) accepts notice on behalf of the State/respondent and fairly does not oppose the application.

In view of the foregoing, as well as, in the interest of justice, the present application is allowed.

The order dated 23rd January, 2019 is recalled. The writ petition is restored to its original number.

The application is disposed of accordingly.

W.P.(CrI.) 226/2019

Issue notice.

Mr. Rahul Mehra, learned Standing Counsel (Criminal) accepts notice on behalf of the State/respondent.

After some arguments, Mr. G.S. Sharma, learned counsel appearing on behalf of the petitioner, seeks leave to withdraw this habeas corpus petition with liberty to institute appropriate proceedings, in accordance with law, predicated on the allegation that his adult daughter, namely, Ms. Jyoti has illegally transferred funds from his account into hers.

Leave and liberty granted.

The petition is dismissed as withdrawn and disposed of accordingly.

SIDDHARTH MRIDUL, J

SANGITA DHINGRA SEHGAL, J

JANUARY 29, 2019
RS