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

+ **CRL.M.C. 1234/2019**

KAPIL KUMAR

..... Petitioner

Through: None.

versus

STATE

..... Respondent

Through: Mr. Raghuwinder Verma, APP for the State.

Mr. Koonal Tanwar, Advocate for the applicant Sudhir

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

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22.01.2021

CRL.M.A. 1045/2021 (Ex.)

Exemption allowed subject to all just exceptions.

The application stands disposed of.

CRL.M.A. 1044/2021

The petition Crl.M.C. 1234/2019 was disposed of vide order dated 06.03.2019. The matter has been taken up in view of assignment on the application filed by Mr. Sudhir Jee Sharma seeking recall of the order dated 06.03.2019 submitting inter alia to the effect that the directions in the order dated 06.03.2019 to the effect "Upon petitioner filing an application for exemption before the trial Court while undertaking that his counsel will appear before the trial court on each and every date of hearing and will not seek adjournment, personal appearance of petitioner be not insisted upon by

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the trial court, till the orders on the charge are passed by the trial court” are causing grave hardship in the proceedings before the trial court and that the said petitioner had himself appeared before the trial court on 22.10.2020 though erroneously mentioned as 20.10.2020 in the grounds D of the application. It has been submitted on behalf of the applicant as also on behalf of the State that the present applicant has been declared a Proclaimed Offender vide order dated 16.03.2018 and that thus the grant of an exemption from appearance before the trial court through an undertaking of his counsel that the counsel would appear before the trial court on each and every date of hearing which exemption was to continue till orders on charges were passed by the trial court is causing grave hardship in the proceedings.

Notice of the present application be issued to the petitioner in CrI.M.C.1234/2019 that is the non-applicant on taking steps by the applicant of the present application CrI.M.A. 1044/2021 for 22.02.2021.

The updated status report of the status of proceedings in the Trial Court be submitted by the State along with the copy of the chargesheet, if any, against the applicant.

ANU MALHOTRA, J

JANUARY 22, 2021

Aj

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