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

+ **CRL.L.P. 328/2017**

JINDAL LEASEFIN LTD

.. Petitioner

Represented by: Mr.Yogesh Chhabra, Advocate

versus

STATE & ANR

... Responde nts

Represented by: Mr.Ashok K. Garg, APP for the State

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

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06.02.2019

Crl.M.A.No.8965/2017 (delay)

For the reasons stated in the application, the delay of 24 days in filing the leave petition is condoned.

Application is disposed of.

CRL.L.P. 328/2017

Petitioner seeks leave to appeal against the impugned judgment dismissing the complaint under Section 138 and 142 of the Negotiable Instruments Act read with Section 420/120-B IPC for non-prosecution. Despite pass over, none appears on behalf of respondent No.2.

Having perused the copies of the order sheets of the learned Trial Court, this Court deems it fit to grant leave to appeal.

Petition is disposed of.

Crl.A.No. /2019 (to be numbered)

Registry to number the appeal.

Admit.

A perusal of the order sheet reveals that the complaint being Complaint Case No.1751/1/2015 titled '*Jindal Leasefin Ltd. Vs. Shri Rinku Verma*' was filed in the year 1998 and the appellant who is the complainant through its authorized representative was diligently following it despite it being transferred. However, on 24th October, 2016 none appeared for the complainant and the matter was listed for 25th February, 2017 when again on pass over, none appeared on behalf of the complainant and the complaint was dismissed for non-prosecution.

Considering the fact that this was the only default on behalf of the appellant who was diligently pursuing the complaint through its attorney, this Court deems it fit to allow the appeal. Accordingly, impugned order dated 25th February, 2017 is set aside and the complaint is restored to its original position.

The complaint is directed to be listed before the learned Trial Court on 25th March, 2019 when the learned Trial Court will proceed with the complaint after summoning the accused as post transfer the accused had not been summoned and even in the present Appeal none appears on behalf of the respondent today despite pass over.

Appeal is disposed of. Order dasti.

MUKTA GUPTA, J.

FEBRUARY 06, 2019

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