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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.M.C. 5722/2018 & CrI. MA No. 47207/2018 (stay)
SACHIN KUMAR MAVI Petitioner
Through Mr. Karan Bharddwaj and Ms.
Sumedha Dang, Advocates.

versus
YASH VARDHAN SHROFF & ANR. Respondents
Through None

CRL.M.C. 5723/2018 & CrI. MA No. 47210/2018 (stay)
SACHIN KUMAR MAVI Petitioner
Through Mr. Karan Bharddwaj and Ms.
Sumedha Dang, Advocates.

versus
DISHA SIDDHARTH SOMANI & ANR Respondents
Through None

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

ORDER
% **15.01.2019**

The petitioner has assailed the order dated 31.10.2018, passed by the learned Metropolitan Magistrate, Saket Courts, New Delhi, whereby, the process under Section 82 Cr.P.C has been ordered to be issued against the petitioner, who has been arrayed as accused No. 2 in the Complaint Case No. 4202/2017 under Sections 138 and 141 of the Negotiable Instruments Act, 1981, filed by the respondent No. 1.

Pursuant to the order dated 14.11.2018, passed by this Court in this petition, the petitioner has already appeared before the trial court. A perusal of the order sheets placed on record show that petitioner had been appearing before the trial court on the earlier occasions.

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Learned counsel for the petitioner submits that the petitioner could not appear in trial court on 31st October, 2018 and a date earlier as well due to the reasons beyond his control. It is submitted that the petitioner is still residing at the same address. It is submitted that petitioner will appear in trial court in future and will not seek unnecessary exemptions.

In these facts and circumstances, without going into the merits and demerits of the grant of non-appearance of petitioner on 31.10.2018, in the interest of justice, the orders issuing non-bailable warrants and the proceedings under Section 82 Cr.P.C qua the petitioner, are set aside, subject to, however, costs of Rs.10,000/- to be deposited by the petitioner with the Delhi High Court Legal Services Committee, within a week. The receipt be produced before the trial court on the next date of hearing.

The above-noted petitions are disposed of in the above terms. Miscellaneous applications are disposed of.

Dasti.


A.K. PATHAK, J

JANUARY 15, 2019

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