

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

Date of Order: January 08, 2019

+ **CRL.M.C. 4184/2017 & Crl.M.A.16786/2017**

MANI FARSAIYA

..... Petitioner

Through: Mr. K.K. Manan, Senior Advocate
with Mr. Kartik Gandotra, Mr.
Uditi Bali, Mr. Mukul Aggarwal
and Ms. Shivani Kant, Advocates

Versus

STATE (NCT OF DELHI) & ANR

.....Respondents

Through: Mr. Izhar Ahmad, Additional
Public Prosecutor for respondent-
State with W/SI Prity Bala
Mr.Anirudh K. Mudgal, Advocate
for respondent No.2

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

1. Impugned order of 11th July, 2017 dismisses petitioner's revision petition without hearing petitioner's counsel, as none had appeared on behalf of petitioner before the revisional court on the said date. While relying upon earlier order of 26th April, 2017, revisional court has dismissed petitioner's revision petition on merits after going through the order impugned and material on record.

2. Learned senior counsel for petitioner submits that due to wrong noting of the date, there was no appearance on behalf of petitioner on 11th July, 2017. To submit so, attention of this Court is draw to copy of diary (*Annexure E-colly.*), which reveals that the next date of hearing noted was 13th July, 2017 instead of 11th July, 2017.

3. The opposition to this petition by learned counsel for respondent No.2 is on the ground that petitioner has been taking adjournments before the revisional court, after obtaining stay of the proceedings, and the matter has lingered on before the revisional court for about one year. This is disputed by learned senior counsel for petitioner, who submits that the matter was pending before the revisional court for appearance of respondent-complainant and only one or two adjournments have been taken by petitioner.

4. Upon hearing and on perusal of impugned order, I find that the delay aspect can be taken care of by putting petitioner to terms, as one effective hearing is required to be afforded to petitioner. Accordingly, impugned order is set aside with direction to petitioner to ensure that the revision petition is argued before the revisional court on 19th January, 2019 at 10 A.M. (*which is convenient to learned senior counsel for*

petitioner) subject to petitioner paying costs of ₹50,000/- to respondent-complainant on the date of hearing so fixed before the revisional court.

5. Let parties appear through their counsel appear before the revisional court on 19th January, 2019. It is made clear that no further adjournment is to be granted to petitioner.

6. With aforesaid directions, this petition and the application are disposed of.

Dasti.

(SUNIL GAUR)
JUDGE

JANUARY 08, 2019

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