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

\+ CRL.M.C. 4446/2019 and Crl.M.A. No. 35140/2019

TAPAN SARKAR ..... Petitioner

Through: Mr.Ankit Monga, Advocate

versus

N.C.T OF DELHI & ORS ..... Respondents

Through: Mr.Kewal Singh Ahuja, APP for State with SI Ajay Singh, PS Pahar Ganj
Mr.Sagar Dhama, Adv for R-4

**CORAM:**
**HON'BLE MS. JUSTICE ANU MALHOTRA**

**O R D E R**

**% 03.02.2020**

So far no notice of the petition has been served on the respondents No. 2, 3 and 5, in as much as no steps have been taken in terms of the proceedings dated 24.10.2019. Learned counsel for the respondent No.4 is however present.

Vide the order dated 5.9.2019, the petitioner was directed to join the investigation in relation to the FIR No. 126/2019 under Section 420/406/34 of the Indian Penal Code, 1860 Police Station Pahar Ganj at 2:30 p.m. and the matter was renotified for 24.10.2019.

On 24.10.2019, it was submitted on behalf of the State that the petitioner did not put in appearance.

On behalf of the applicant it was submitted that an application had been filed on 17.10.2019 to explain the conduct, but no such application has till date been placed on record. It has been submitted

further on behalf of the State that the petitioner has since been declared a “proclaimed offender” on 9.1.2020.

On behalf of the petitioner, time is sought by the learned counsel present seeking presence of the arguing counsel stated to be unwell.

Taking into account however the factum that the petitioner has not joined the investigation despite the specific directions dated 5.9.2019 and explanation of his conduct has not been brought on record till date with the petitioner having been declared a proclaimed offender, the petition is dismissed.

**ANU MALHOTRA, J**

**FEBRUARY 03, 2020/SV**