

\$~28

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.M.C. 6624/2018
MANOJ KUMAR Petitioner
Through: Mr. Nitesh Kumar, Advocate

Versus

STATE (NCT OF DELHI) & ANR Respondents
Through: Mr. Mukesh Kumar, APP for State
None for respondent No. 2

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER
% **04.03.2020**

1. The present petition is filed under Section 482 Cr.P.C. seeking quashing of the order dated 20.02.2018 passed by the learned MM in CT Case No. 475492/2016, whereby the case was dismissed in default and for non-prosecution.
2. An affidavit of service with respect to service of respondent No. 2 has been placed on record. As per the said affidavit, respondent No. 2 has been served by courier. However, none appeared on behalf of respondent No.2.
3. Learned counsel for the petitioner submits that absence of the counsel on the aforesaid date before the concerned Court was unintentional. He further submits that the counsel could not appear as the counsel was getting married on 19.02.2018, for which reason he could not make any alternate arrangement for the date fixed on 20.02.2018. It is also submitted that on the aforesaid date, the petitioner was also out of station.

4. Subject to deposit of costs of Rs.4,000/- by the petitioner with the *Delhi High Court Legal Services Committee*, the impugned order dated 20.02.2018 is set aside and the matter is directed to be listed before the concerned MM on 23.03.2020.
5. The petition is accordingly disposed of.
6. A copy of this order be communicated to the concerned Court.
7. *DASTI.*

MANOJ KUMAR OHRI, J

MARCH 04, 2020/p'ma