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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****CRM-A-453-MA-2013 (O&M)****Date of Decision: 24.10.2024****HARPREET SINGH ANAND****... Applicant****VS.****M/S J.M.D DEVELOPERS AND ORS****.. Respondents****CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA**

Present: Mr. Sunil Chadha, Senior Advocate with
Mr. Navjot Singh, Advocate
for the applicant.

ANOOP CHITKARA , J.(ORAL)

Challenging the judgment of acquittal dated 02.03.2013, the applicant came before this Court under Section 378 (4) Cr.P.C. seeking leave to appeal.

2. On 26.09.2024, this Court had passed the following order:-

“As per report of the Registry, notices could not be issued for the want of correct addresses.

Let correct addresses be furnished on or before 19.10.2024 failing which the Registry to list the matter on 24.10.2024 on which date this Court shall dismiss the leave to appeal for non- prosecution.

In case correct addresses are supplied, then issue fresh notices to the respondents for 17.01.2025.

Photocopy of this order be placed on the file of the connected case.”

3. Learned Senior counsel for the applicant submits that private respondent No.2 is stated to be confined in some jail because of his involvement in massive number of criminal cases and 3rd respondent is wife of second respondent. Despite their best efforts, they could not get their addresses.

4. Faced with this, Learned Senior counsel submits that they be permitted to withdraw the present application seeking leave to appeal liberty to file fresh leave to appeal as and when they got addresses of respondents No. 2 and 3 expeditiously with application for condonation of delay. In the fresh application, notice in this application should be deemed issued as well as notice in that leave to appeal.

5. Given above, since it is practical not possible for the complainant to get the addresses of the private respondent(s), the present leave to appeal are disposed of as withdrawn with following liberties:

- (i) to file fresh leave to appeal or appropriate petition in terms of the legal provisions of law applicable;
- (ii) the time for which the leave to appeal was pending shall not be counted for the purpose of limitation;
- (iii) since the notices already issued, in the fresh appeal, the concerned Court who shall take up the matter, shall consider issued notices in the leave to appeal; keeping in view of this order.
- (iv) The applicants have been permitted to file application for condonation of delay from today till the date of filing by mentioning the reasons.
- (v) if such a leave to appeal is filed, the Registry shall not raise any objection in this regard and filing and disposed of present leave to appeal shall not come in the way of applicant.

24.10.2024
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(ANOOP CHITKARA)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No