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

+ **W.P.(CRL) 1143/2023**

NIKITA KHAREL

.....Petitioner

Through: Mr. Vijay Dalmia and mr. Rajat jain,
Advocates

versus

UNION OF INDIA

.....Respondent

Through: Mr. Piyush Beriwal and Ms. Ojasvi,
Advocates

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

28.08.2024

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Crl.M.A.25553/2024(for restoration)

1. The present Application has been filed under Section 482 of the Code of Criminal Procedure, 1973 for recall of the Order dated 20.08.2024.
2. It is submitted in the Application that the Writ Petition was listed for final disposal on 02.04.2024 when the counsel for the respondent informed the petitioner that the FRRO has already withdrawn the subject LOC issued against the Petitioner. However, due to paucity of time, the matter could not be heard.
3. The matter was again listed on 30.05.2024 but again could not be taken up. Now on the next date of hearing i.e.20.08.2024, the matter was listed but due to the heavy board it could not reach.
4. Around 4:00pm, the counsel for the petitioner informed the Court that the counsel for the respondent has withdrawn the LOC. The matter was



lingering for the last five months and can be disposed of on the statement of the respondent. However, due to some miscommunication, the matter was disposed of.

5. On the next date i.e.21.08.2024, the counsel for the petitioner mentioned the aforesaid fact but the Court was not willing to interfere with the Order already made on the previous date. The present Application has been thus filed and a request is made to the counsel for the respondent to give the Statement for withdrawal of the LOC after recalling the Order dated 20.08.2024.

6. Learned counsel for the respondent submits that the averments made in the petition are absolutely incorrect and amounts to overreaching. However, it is confirmed via e-mail dated 01.04.2024 as received from Bureau of Immigration, the LOC of the petitioner has been withdrawn.

7. The copy of the e-mail is placed and taken on record.

8. Nothing survives as there is no ground for recall of the Order.

9. Application accordingly disposed of.

NEENA BANSAL KRISHNA, J

AUGUST 28, 2024/PT