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

+ **CRL.M.C. 3896/2024**

ABHISHEK ANAND @ VIKRAM SINGHPetitioner

Through: **Mr.Naresh Panwar and Mr.Neeraj
Kumar, Advocates**

versus

STATE OF NCT OF DELHIRespondent

Through: **Ms.Kiran Bairwa, APP for State with
SI Arvind Singh, PS Janakpuri.**

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

ORDER

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05.07.2024

CRL.M.C. 3896/2024

1. Petition under Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been preferred on behalf of the petitioner for setting aside the order dated 04.09.2023 passed by learned MM-11, Dwarka Courts, South-West District, Delhi, whereby application for exemption from personal appearance preferred on behalf of petitioner was allowed subject to cost of Rs. 10,000/-.
2. Issue notice. Learned APP for the State appears on advance notice and accepts notice.
3. Learned counsel for the petitioner submits that the exemption from personal appearance had been sought before learned MM on the ground that the petitioner was required to appear on the same day in Court at Gautam Budh Nagar in FIR No.287/2019, P.S. Expressway. He submits that the cost imposed by the learned trial court without disputing the aforesaid ground



appears to be perverse, since the petitioner (Abhishek Anand @ Vikram Singh) could not appear on the same date before the Court at Delhi as well as Gautam Budh Nagar. Further, Revision Petition preferred by the petitioner against the aforesaid order is stated to have been dismissed by learned ASJ.

4. Learned APP for the State opposes the petition but does not dispute the factual position as revealed from record.

5. Considering the totality of the facts and circumstances, this Court is of the considered opinion that having granted exemption to the petitioner from personal appearance on the ground that he was required to appear at Gautam Budh Nagar Court on the same day, learned Trial Court should have refrained from imposing cost. In the facts and circumstances, cost imposed by learned Trial Court vide order dated 04.09.2023, is set aside.

Petition is accordingly disposed of. Pending applications, if any, also stand disposed of.

A copy of this order be forwarded to the learned trial court for information.

ANOOP KUMAR MENDIRATTA, J

JULY 5, 2024/v