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

+ **CRL.L.P. 373/2024**

SH. YOGESH KUMAR GARG

.....Petitioner

Through: **Mr. Abhimanyu Lall, Adv.(VC)**

versus

SH. RANJAN KALIA & ANR.

.....Respondents

Through:

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

% **05.08.2024**

CRL.M.A. 22847/2024 (exemption)

Exemption is allowed subject to all just exceptions.

Application stands disposed of.

CRL.M.A. 22846/2024 in CRL.L.P. 373/2024

1. The present criminal appeal has been filed challenging the order dated 19.04.2024 whereby the complaint under Section 138 NI Act in CT Case No, 2792/2019 was dismissed for non-prosecution and non-appearance.
2. Learned counsel for the petitioner submits that on 19.04.2024, learned counsel for the complainant appeared through VC, however, due to a technical glitch, the appearance could not be marked. It has further been submitted that on the previous date, the complainant could not appear for some difficulty.
3. Learned Trial Court has specifically mentioned that the complainant



had not appeared for four dates of hearing. No valid reason has been given for the non-appearance of the complainant. The plea of the learned counsel for the petitioner that on 19.04.2024, the counsel appeared through VC but the appearance could not be marked due to a technical glitch on the face of it, it is not tenable. A person who is not diligent in pursuing the case cannot be given the liberty to restore the case and, hence, the present application is dismissed.

DINESH KUMAR SHARMA, J

AUGUST 5, 2024

Pallavi HT