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

+ **CRL.A. 637/2022,CRL.M.A. 2029/2018**

M/S H D S ENTERPRISES

.....Appellant

Through: **Mr. Jitesh Talwani, Adv.(VC) with
Mr.Abhimanyu Goel, Mr. Sahil
Mahajan and Ms. Anjali, Advs.**

versus

HARJAS SINGH MADAN

.....Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

08.07.2024

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1. The present application has been filed under Section 378 Cr. PC seeking special leave to appeal challenging the order dated 30.10.2017 whereby the complaint under Section 138 of NI Act, was dismissed in default for non-prosecution. Along with the appeal an application for leave was also filed.
2. The notice was duly issued. This Court granted leave to appeal vide order dated 02.11.2022 and granted time to the respondent to argue on the merits of the case. However, thereafter, none has appeared for the respondent.
3. Learned counsel for the appellant submits that nonappearance of the complainant/appellant on 30.10.2017 before the learned Trial Court was an inadvertent error. It has been submitted that it was an error on the part of the counsel for the complainant.



4. I considered the submissions.
5. In view of the submissions, the appeal is allowed, and the order dated 30.10.2017 is set aside. The complaint be restored to its original number. Parties are directed to appear before the concerned court of competent jurisdiction.
6. Accordingly, the appeal stands disposed of.

DINESH KUMAR SHARMA, J

JULY 8, 2024

Pallavi