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

+ **CRL.L.P. 7/2024**

BHAVIK POLYMERS PVT LTD

..... Petitioner

Through: Mr. Sahil Aggarwal, Advocate
(through VC).

versus

SH KRISHNA YADAV

..... Respondent

Through:

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER

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03.01.2024

CRL.M.A. 96-97/2024 (exemption)

1. Allowed, subject to all just exceptions.
2. Applications stand disposed of.

CRL.M.A. 95/2024 (for delay)

3. The instant application under Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') read with Section 5 of the Limitation Act has been filed on behalf of appellant seeking condonation of delay of 282 days in filing the instant appeal.
4. For the reasons stated in the application, the same stands allowed. The delay of 282 days in filing the instant appeal stands condoned, subject to petitioner depositing a sum of Rs. 5,000/- with Advocates Welfare Fund, Rohini Court, Delhi.
5. Accordingly, the present application stands disposed of.

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6. Learned counsel for the petitioner impugns order dated 12.01.2023 passed by learned Metropolitan Magistrate, (NI Act-06), Tis Hazari Courts, Delhi *vide* which the complaint filed by the petitioner under Section 204(4) of Cr.P.C. was dismissed for non-prosecution.

7. Learned counsel for the petitioner states that the learned Magistrate has committed an error by dismissing the complaint filed by the petitioner for non-prosecution, since the petitioner was diligently appearing before the Court and was complying with the orders of the Court. It is also stated that the learned Magistrate and has, on one hand, dismissed the complaint for non-prosecution on the ground that fresh address of respondent was not filed, on the other hand, has given him liberty to file fresh address.

8. I have heard arguments and have gone through the case file and have also gone through the orders *vide* which the petitioner herein was directed to file fresh address. Though, fresh address could not be filed but since the petitioner was appearing and was pursuing his case regularly before the learned Magistrate, this Court is inclined to allow the present appeal.

9. Accordingly, Complaint Case No. 18595/2018 titled as “*M/s Bhavi Polymers Pvt. Ltd vs. Sh. Krishna Yadav*” which was filed before the Court of learned MM, NI Act-06, Central, Tis Hazari is restored to its original number and at same stage.

10. The present petition/appeal stands disposed of in view of above.

11. The order be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

JANUARY 3, 2024/zp

Click here to check corrigendum, if any