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

+ **CRL.L.P. 75/2021**

ANUPAM DUTT TRIPATHI

.....Petitioner

Through: Mr. Piyush Singhal, Advocate.

versus

AMIT KUMAR

.....Respondent

Through: None.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

% **20.01.2025**

1. Leave to Appeal under Section 378(4) of the Cr.P.C has been filed with the prayer to set aside the impugned Order dated 02.03.2020 in C.C.No.4952/19 under Section 138 N.I. Act which has been dismissed in default.
2. Learned counsel on behalf of the Petitioner submits that the Complaint Case under Section 138 N.I Act in respect of three Cheques totalling to Rs.25 lakhs was filed before the learned JM-IC, Gautam Budh Nagar. The accused appeared and was granted Bail.
3. Thereafter, on the Application of the accused/respondent, this case directed to be transferred to Saket District Courts, New Delhi. The matter was taken up on three dates i.e. 16.04.2019 and 06.07.2019 and the Notice to the Complainant for the first time was issued on 16.09.2019, but because of change of address, it was not received by the Complainant and, therefore,



none could appear on 02.03.2020 on which date the Complaint Case got dismissed in default for non-prosecution and non-appearance.

4. Learned counsel for the Respondent had been appearing regularly, but none is present today.

5. **Submissions heard.**

6. Considering the record and the submissions especially that the case got transferred from Gautam Budh Nagar to Delhi and on account of this transfer, the Complainant/Petitioner was unable to appear because of not coming to know about the date, the impugned Order is set aside and the Complaint Case is hereby restored.

7. Parties are directed to appear before learned CMM, Saket Courts, on 03.02.2025, who may mark it to the concerned M.M.

8. The Petition stands disposed of.

NEENA BANSAL KRISHNA, J

JANUARY 20, 2025/va