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

+ **CRL.L.P. 382/2022 & CRL.M.A. 24150/2023**

AKASA FINANCE LIMITED

.....Petitioner

Through: Mr. Arvind Jadon and Ms.
Taru Saxena, Advocates.

versus

MR. GURNAM SINGH

.....Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

25.03.2025

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CRL.M.A. 15069/2022 (for condonation of delay of 5 days in filing the present appeal)

1. This application is filed by the applicant seeking condonation of delay of 5 days in filing the present leave to appeal.
2. For the reasons stated in the application, the same is allowed. The delay of 5 days in filing the present leave to appeal is condoned.
3. The application stands disposed of.

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4. For the reasons mentioned in the petition, the leave to file the criminal appeal is granted.
5. The petition stands disposed of.

CRL.A. _____/2025 (to be numbered)

6. None has been appearing on behalf of the respondent despite service.
7. The present leave to appeal is filed by the appellant against the order of dismissal dated 16.03.2022 (hereafter '**impugned order**'), passed by the learned Metropolitan Magistrate-07 (NI-



Act) (Central), Tis Hazari Courts, Delhi pursuant to which the complaint bearing CC No. 527834/ 2016 filed by the appellant under Section 138 of the Negotiable Instruments Act, 1881 ('**NI Act**'), was dismissed for non-prosecution.

8. The learned counsel for the appellant submits that the authorised representative ('**AR**') of the appellant was present in the Court premises on that date. However, when the matter was called, he was busy in another Court matter in the same premises.

9. He relies on the order passed by another Presiding Officer namely Ms. Arushi Parwal, learned Metropolitan Magistrate (NI Act)-02, (Central), Tis Hazari Courts, Delhi in CC No. 541249/2016 and the same reflects that the AR of the appellant was present in Court on the said date.

10. Considering the above, this Court is of the opinion that the appellant be given one more opportunity to pursue its complaint.

11. In view of the above, the impugned order is set aside. The complaint bearing CC No. 527834/ 2016 is restored to its original number and position as obtaining on 16.03.2022.

12. The appellant is directed to appear before the learned Trial Court on 30.04.2025.

13. The learned Trial Court is however directed to proceed further after issuing fresh notice to the respondent/accused.

14. Copy of this order be communicated to the learned Principal District and Sessions Judge for information and compliance.

15. The appeal stands disposed of along with pending applications.

AMIT MAHAJAN, J

MARCH 25, 2025/ᵀᵁ