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

+ **CRL.L.P. 503/2022 & CRL.M.A. 22921/2022**

ALKA SHARMAPetitioner
Through: Mr. Dinesh Singh
Bachgoti and Mr. Sushil
Sharma, Advs.

versus

THE STATE & ANR.Respondents
Through: Mr. Sanjeev Sabharwal,
APP for the State with Ms.
Mansi Sharma, Adv.

CORAM:
HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER
24.03.2025

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**CRL.M.A. 22921/2022 (for condonation of delay of 17 days in
filing the present appeal)**

1. This application is filed by the applicant seeking condonation of delay of 17 days in filing the present leave to appeal.
2. For the reasons stated in the application, the same is allowed. The delay of 17 days in filing the present leave to appeal is condoned.
3. The application stands disposed of.

CRL.L.P. 503/2022

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. By the present appeal, the appellant challenges the order dated 07.07.2022 (hereafter '**impugned order**'), passed by the



learned Trial Court in CT Cases 5070/2018.

7. By the impugned order, the complaint filed by the appellant under Section 138 of the Negotiable Instruments Act, 1881 (**NI Act**) was dismissed for non-prosecution noting that she had not appeared on four occasions before the order dismissing the complaint was passed.

8. The learned counsel for the appellant submits that the appellant had been duly represented and she had also been appearing through video conferencing on account of being a resident of Holland.

9. He, on instructions, submits that the complaint would be diligently followed and if required, a Power of Attorney would be appointed in order to pursue the complaint.

10. He submits that the respondent, even otherwise, had not been served and therefore, no prejudice would be caused to anyone.

11. Notice in the present petition was issued way back on 27.01.2023. Respondent No. 2 was also served and was represented through a counsel. However, none has been appearing for Respondent No. 2 for quite some time.

12. This Court does not consider it apposite to adjourn the present proceedings to await the appearance of Respondent No. 2.

13. In the opinion of this Court, though the appellant had not been diligent but in the interest of justice, one last opportunity ought to be given to pursue the complaint.

14. In view of the aforesaid, the impugned order is set aside. The complaint being CT Cases 5070/2018 is restored to its original number and is directed to be listed before the learned Trial Court on 16.04.2025.



15. The appellant is directed to appear before the learned Trial Court on 16.04.2025, that is, the date fixed.

16. However, the appellant is put to cost of ₹30,000/-, to be deposited with the Delhi High Court Legal Services Committee within a period of two weeks.

17. A copy of the present order be sent to the learned Principal District & Sessions Judge for necessary compliance.

18. The appeal stands disposed of.

AMIT MAHAJAN, J

MARCH 24, 2025

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