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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 4427/2018**
RBL BANK LTD.Petitioner

Through: Mr. Kunal Tandon, Mr. Rishi Gupta
and Mr. Ronnie Singh, Advocates.

versus

STATE GOVT. OF NCT DELHI & ANR.Respondents
Through: Mr. Satinder Singh Bawa, APP for
State.

CORAM:
HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER
21.01.2025

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1. The Petition under *Section 482* along with *Section 378(5)* of the *Criminal Procedure Code, 1973* has been filed to set aside the Order dated 19.09.2017 *vide* which learned ASJ upheld the Order dated 06.07.2017 of learned M.M. dismissing the Complaint under *Section 138* of the *N.I. Act* for non prosecution and in default.
2. It is submitted in the Petition that a Complaint bearing No.46260/2016 under *Section 138* of the *N.I. Act* was filed by the Complainant Petitioner against the Respondent No.2 Accused. The accused were summoned *vide* Order dated 23.08.2016, but could not be served. Thereafter, the Complainant was unable to appear on 06.07.2017, when the Complaint was dismissed in default.
3. A Criminal Revision Petition No.332/2017 under *Section 397* of the *Cr.P.C.* was filed on 02.08.2017 but the same was dismissed by the learned ASJ *vide* Order dated 19.09.2017 by observing that the



Revision against the impugned Order was not maintainable. Hence, the present Petition has been filed.

4. Reliance has been placed on Balbir vs. State of Haryana and Ors., 2000 (1) SCC and The Associated Cement Co. Ltd. vs. Keshvanand, 1998 (1) SCC 687.

5. The record shows that though Accused/Respondent had been summoned but they had not put in their appearance.

6. In view of the submissions made and considering that the accused have not put in their appearance, the impugned Order is hereby set aside and the Petition is restored to its original number.

7. Petitioner is directed to appear before the learned CJM, Patiala House Courts on 03.02.2025 who may mark it to the Court of competent jurisdiction.

NEENA BANSAL KRISHNA, J

JANUARY 21, 2025

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