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

+ **CRL.REV.P. 711/2022**

CENTRAL BANK OF INDIA

..... Petitioner

Through: Mr. Mohan Lal Sharma and
Mr. Rajpal Singh, Advocates.

versus

SHEKHAR BAHADUR

..... Respondent

Through: None.

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER

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20.10.2022

CRL.M.A. 21624/2022 (exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

CRL.M.A. 21623/2022 (for delay)

3. It is stated that revision has been preferred against impugned order dated 10.11.2021 and the delay of 390 days has occurred in filing the application on account of the fact that petitioner had preferred revision on 20.11.2021 and the same was finally heard on 25.07.2022 which was dismissed as withdrawn.

4. Considering the overall facts & circumstances of the case, delay in filing the present petition stands condoned.

CRL.REV.P. 711/2022

5. Learned counsel for petitioner impugns the order dated 10.11.2021

vide which the complaint filed by present petitioner has been dismissed for non-prosecution and non-appearance. Learned Trial Court has mentioned in the said order that complainant has not been appearing before learned Trial Court on 17.09.2020, 05.03.2021, 19.03.2021, 06.04.2021, 30.07.2021 and on some occasions adjournments were sought by the learned proxy counsel for complainant on the ground that counsel was not available.

6. It is thus clear from the record itself that the complainant was not diligently furnishing the complaint, and was not present even on the day when the complaint was dismissed for non prosecution. Learned counsel for petitioner states that case is still listed for recording of complainant's evidence. Considering that public money is involved in the present case, however also keeping in mind that complainant should have been more diligent in pursuing his complaint. It is ordered that the complaint shall be restored to its original number, subject to cost of Rs. 25,000/- which will be deposited with "PM CARES Fund" for the "PM CARES for Children Scheme" within a period of two weeks.

7. Application stands disposed of.

SWARANA KANTA SHARMA, J

OCTOBER 20, 2022/kss