

Karan Mutha vs.state

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Court : Delhi

Decided On : Oct-31-2018

Appellant : Karan Mutha

Respondent : State

Judgement :

\$~59 * IN THE HIGH COURT OF DELHI AT NEW DELHI % Judgment delivered on:

31. 10.2018 + W.P. (CRL.) 3066/2018 KARAN MUTHA

... Petitioner

STATE versus Respondent Advocates who appeared in this case: For the

... Petitioner

: Mr. Akshay Bhandari, Adv. along with petitioner in person. For the Respondent : Ms. Kamna Vohra, ASC for the State CORAM:-

"HONBLE MR JUSTICE SANJEEV SACHDEVA JUDGMENT3110.2018
SANJEEV SACHDEVA, J.

(ORAL) 1.

... Petitioner

impugns order dated 04.10.2018 whereby application of the petitioner seeking cancellation of NBWs was dismissed and the petitioner was sent to judicial custody.

2.

... Petitioner

is facing trial for offences under Sections 3, 4, 9 and 55 of the Gambling Act.

... Petitioner

was granted bail by the Trial Court. However, petitioner failed to appear before the trial court on 04.09.2018, when the trial noticed that earlier also petitioner had failed to appear and NBWs were issued, however, the same were recalled subject to fine of Rs. 10,000/-. W.P. (CRL.) 3066/2018 Page 1 of 2 3. On 04.09.2018, an application was filed by the petitioner seeking exemption from personal appearance as he was suffering from fever. Application was disallowed and NBWs were issued and subsequently application seeking recall of NBWs was rejected.

4. 5.

... Petitioner

was granted bail by this court by order dated 04.10.2018.

... Petitioner

has been charged with offences under Sections 3, 4, 9 and 55 of the Gambling Act which is punishable of imprisonment upto six months. It is informed that the co-accused had pleaded guilty and has been imposed fine only and no imprisonment has been awarded.

6. Learned counsel for the petitioner undertakes that the petitioner shall appear before the trial court on 02.11.2018 and shall appear as and when the matter is fixed and shall not absent himself without reasonable cause. The undertaking is accepted.

7. In view of the undertaking and in the facts and circumstances of the case, the impugned order dated 04.10.2018 rejecting the application of the petitioner

seeking cancellation of NBWs by order dated 04.09.2018 issuing NBWs are set aside. The NBWs are accordingly recalled. The petition is disposed of in the above terms. Order Dasti under the signatures of the Court Master.

8. 9. OCTOBER31 2018 rs SANJEEV SACHDEVA, J W.P. (CRL.) 3066/2018
Page 2 of 2

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