

11.09.2024

Present:- Appellant is absent.
Sh. Sandeep Vyas, Ld. Counsel for the appellant,
through VC.
Ms. Nidhi Sharma and Ms. Akshita, Ld. Counsels
for the appellant.
Respondent with counsel Sh. Vishal Sharma.

It is submitted that the appellant is sick and therefore, he could not appear today. Copy of the medical prescription of the appellant, received by the counsel on her whatsapp number, has been filed. No application regarding the exemption of the appellant from his personal appearance has been filed.

Ms. Nidhi Sharma, Ld. Counsel for the appellant submits that the said prescription has been received on her phone by the appellant today itself at 10.30 am and therefore, the application could not be prepared.

It is also pertinent to mention that this is the third call since morning, despite this, the aforesaid application has not been filed with proper document. It is pertinent to mention that the aforesaid prescription slip is dated 04.09.2024 and therefore, the appellant could have informed his counsel in advance regarding his inability to appear today. However, he chose not to do so and even, the said slip was sent by him to his counsel at 10.30 am, which shows the lackadaisical approach of the appellant.

In view thereof, the appellant is exempted from his personal appearance for today only subject to the cost of Rs. 5,000/- payable to the respondent on the next date of hearing.

Counsel for the appellant seeks an adjournment to address the arguments submitting that he could not prepare for the arguments as he does have the case file.

Heard. Allowed.

Counsel for the respondent submits that the counsel for the appellant can obtain the file from him.

Copy of prescription slip is kept on the record of Crl. Appeal No. 216/2023.

At joint request, put up for arguments on 27.09.2024.

(Subhash Kumar Mishra)
Additional Sessions Judge-03,
East, KKD Courts, Delhi
11.09.2024