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

+ CRL.A. 533/2015 & CrI.M.A. No.7633/2016

BABITA DEVI

..... Appellant

Through: Mr.Madhav Khurana and Mr.Amrit
Grewal, Advocates.

versus

STATE & ORS

..... Respondents

Through: Ms.Alpana Pandey, APP for the
State/R-1.
Ms.Sima Gulati, Advocate for R-2
and R-3.

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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18.05.2016

1. The present appeal has been preferred by the appellant/complainant impugning the order dated 02.09.2014 whereby the respondents No.2 and 3 have been acquitted of the offence punishable under Section 325/509/34 IPC and under Section 3(1)(x) SC/ST Act.

2. Attention of learned counsel for the appellant has been drawn to the decision of the Supreme Court in *Satya Pal Singh vs. State of M.P.& Ors.* in CrI.A. No.1315/2015 (arising out of SLP (CrI.) No.7954/2014) decided on 6th October, 2015 wherein it has been held that even the complainant has to seek leave to appeal while impugning the order of acquittal.

3. Learned counsel for the appellant seeks permission to withdraw the present appeal with liberty to file the petition seeking leave to appeal. He

further submits that the appellant may be permitted to seek condonation of delay in filing the petition seeking leave to appeal on the ground that she was pursuing the remedy by filing this appeal.

4. The appeal is dismissed as withdrawn with liberty to file the petition seeking leave to appeal to challenge the order of acquittal dated 02.09.2014 passed in Session Case No.04/2013.

5. Needless to state that while filing the petition seeking leave to appeal, it is for the appellant to make necessary averments while seeking condonation of delay in filing the petition seeking leave to appeal that she was bonafide in pursuing the remedy by filing the appeal instead of filing the petition seeking leave to appeal.

As prayed, copy of the order be given dasti to learned counsel for the petitioner.

PRATIBHA RANI, J.

MAY 18, 2016

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