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

+ CRL.M.C. 2687/2016

BISHNU PRASAD

..... Petitioner

Through: Mr. Kartickay Mathur, Advocate

versus

SUBODH JAIN & ORS.

..... Respondents

Through: Mr. Nishit Kush, Mr. Shyam S. Sharma
and Mr. Sanjeev K. B., Advocates for R-1 to 3
Ms. Meenakshi DAhiya, APP for the State with SI
Mahesh Singh

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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11.09.2018

The criminal complaint (CC no.124/11) of the petitioner was dismissed by the Chief Metropolitan Magistrate by order dated 05.05.2015 under Section 203 of the Code of Criminal Procedure, 1973 (Cr. PC), finding no ground to proceed against any person on the basis of evidence that had been adduced in the preliminary inquiry.

The petitioner had approached the court of Sessions against the said order on 11.12.2015 by filing petition (CR no.95/2016) invoking its revisional jurisdiction alongwith a prayer for condonation of delay explaining that he, as a government employee, was posted at the relevant point of time in the State of Arunachal Pradesh. The

revisional court, however, was not impressed with the said grounds and declined to condone the delay and consequently dismissed the revision petition by order dated 20.05.2016. The said order was challenged by the petition at hand invoking the inherent power of this court under Section 482 Cr. PC.

The learned counsel for the respondents fairly conceded that in the given fact situation, the explanation of the petitioner for the delay in filing the revision petition may be accepted and the delay condoned and resultantly the revision petition may be revived for consideration on merits on the file of the court of Sessions. Ordered accordingly. The revision petition shall be taken up by the court of Sessions on 05.10.2018 when the parties shall appear before said court and assist for adjudication on its merits.

The petition is disposed of in above terms.

R.K.GAUBA, J

SEPTEMBER 11, 2018

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