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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 5146/2015 & CRL.M.A. 3727/2016**

PUNAM ANAND KUMAR Petitioner
Through: Mr. Naveen Kumar Chaudhary & Mr.
Rajesh Kumar Verma, Advs.
versus

THE STATE OF NCT OF DELHI AND ANR Respondents
Through: Mr. Mukesh Kumar, APP for the
State.
Mr. D.K. Sharma & Mr. Rohit Vats,
Advs. for R-2.

CORAM:
HON'BLE MR. JUSTICE R.K.GAUBA

ORDER
% **25.09.2018**

On the criminal complaint (CC No. 90/1/2013) of the petitioner, after preliminary inquiry, the Magistrate, by his order dated 10.07.2015, issued summons against the second respondent calling him upon to appear as accused to face criminal prosecution for offences punishable under Sections 420/467/471 of Indian Penal Code, 1860 (IPC). The said summoning order was challenged by the second respondent in the court of Sessions by Crl. Rev. 89/2015. The revisional court, by its order dated 23.09.2015 set aside the summoning order finding it bad in law.

Aggrieved by the said decision, the complainant has come up before this Court by the petition at hand invoking the inherent power and jurisdiction under Section 482 of the Code of Criminal Procedure, 1973 (Cr.P.C.), her prime contention being that she was not even called upon to respond to the revision petition by any notice.

The above contention was noted in the order dated 30.07.2018. The learned counsel for the second respondent, today fairly concedes that there has been a deficiency in the procedure adopted by the revisional court inasmuch as no formal notice on the revision petition was ever issued to the petitioner, she being the affected party. This has actually violated the basic principle of natural justice and adverse order has been passed against the petitioner without she being given an opportunity of being heard.

In the given facts and circumstances, as fairly conceded by the counsel for the second respondent, the revisional court's order dated 23.09.2015 is set aside and the revision petition is remitted to the court of sessions for fresh consideration.

Needless to add, the petitioner, being the complainant of the case before the Metropolitan Magistrate and being the respondent in the revision petition, now has due notice of the revision petition. The petitioner is directed to appear on her own before the court of sessions to assist the said court in accordance with law.

The parties are directed to appear before the court of Sessions on 29th October, 2018. With these directions the petition and the application filed therewith are disposed of.

It is hoped and expected that given the old pendency of this case, the revisional court will take a decision at an earlier date.

R.K.GAUBA, J

SEPTEMBER 25, 2018/nk

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