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

+ **CRL.REV.P. 16/2024**

SWAPNA

..... Petitioner

Through: **Mr. Manish Bansal & Ms. Kavery
Sharma, Advocates.**

versus

PRASHANT KUMAR

..... Respondent

Through:

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER

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04.01.2024

CRL.M.A. 218/2024 (exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

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3. The instant petition has been filed under Section 397/401 Cr.P.C. for setting aside order dated 08.12.2023 passed by the Court of learned ASJ-02 (Central), Tis Hazari Courts, Delhi in CA No. 189/2023.
4. Learned counsel for the petitioner states that the learned Sessions Court has dismissed the appeal under Section 29 of Protection of Women from Domestic Violence Act, 2005 on the ground of limitation, on a wrong premise that no document of illness have been placed on record including any documents of treatment received by the petitioner. It is stated that the petitioner had filed the complete record of the illness alongwith the appeal



filed before learned Sessions Court and the petitioner had also placed certified copy of list of documents and medical records of illness of the appellant on the judicial record of the learned Sessions Court itself. Learned counsel draws this Court's attention to the medical record which has been filed on record before this Court also as Annexure P-7.

5. Having heard submissions made by learned counsel for the petitioner and having gone through the records, this Court is inclined to remand back the case, which will be decided in light of the documents which were filed before the Court but were not taken cognizance of by the learned Sessions Court.

6. The order be sent to the concerned Court by the Registry

7. Accordingly, the present petition stands disposed of.

8. The petitioner herein will appear before the learned Sessions Court on 22.02.2024.

9. The order be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

JANUARY 4, 2024/sa

Click here to check corrigendum, if any