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

+ **CRL.M.C. 3453/2024**

DHANWANTI @ DHANPATI

.....Petitioner

Through: Mr. R.D. Rana, Advocate with
petitioner in person.

versus

THE STATE (NCT OF DELHI)

.....Respondent

Through: Mr. Satinder Singh Bawa, Ld.APP
with SI Salman Ahmed, P.S. Hauz
Khas.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

% **16.07.2024**

1. A Petition under Section 482 Cr.P.C has been filed on behalf of the petitioner, wherein she has submitted that she may be granted pardon as she was the accused in this case and be permitted to give evidence as she was privy to the crime. She has, therefore, challenged the Order dated 15.04.2024 vide which the Principal District & Sessions Judge, South District had dismissed her application under Section 306 Cr.P.C for Pardon vide Order dated 15.04.2024.

2. It is submitted in the Petition that the petitioner had found the phone lying on bonnet of the Car in the Saket Court Complex, which she had taken with her to Jhajjar to the house of her brother Surender who has now been made the main accused. She was the co-accused, but has been discharged in



the said case.

3. Thereafter, she had moved an application under Section 306 Cr.P.C to be granted pardon so that she could be a witness in the present case in which her brother Surender Singh is the accused. However, the application was dismissed by the learned M.M. vide Order dated 26.03.2024.

4. A Revision was preferred before the learned Principal District & Sessions Judge, South District, who has also dismissed the Revision vide impugned Order dated 15.04.2024.

5. The **Learned Prosecutor submits** that there is no merit in the present petition since the petitioner is no longer an accused as she has already been discharged. She is at liberty to appear as the witness of the accused in his defence. There is no merit in the present petition, which is liable to be rejected.

6. **Submissions heard.**

7. The learned Principal District & Sessions Judge, South District, Saket Courts has rightly observed that the application under Section 306 Cr.P.C is not maintainable as she is no longer the accused. Furthermore, Pardon can be granted only when a person is accused of the an offence which is punishable by 7 years or more. Here, the charges are under Section 411 IPC which is punishable upto a maximum of three years. Therefore, there is no merit in the present petition, which is hereby dismissed.

8. The petitioner who intends to come in defence of the accused her brother is at liberty to appear as defence witness.

9. In the end the petitioner submits that the complainant is taking dates on every date and the matter is lingering.

10. The learned M.M is requested to ensure that there are no unnecessary



adjournments granted and the matter is disposed of expeditiously.

JULY 16, 2024/va

NEENA BANSAL KRISHNA, J