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

+ **CRL.M.C. 4527/2019**

DARSHAN GUPTA & ANR

.....Petitioners

Through: Ms. Sunita Arora,
Advocate (DHCLSC).

versus

STATE & ORS

.....Respondents

Through: Mr. Naresh Kumar Chahar,
APP for the State.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

14.11.2024

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1. The learned counsel for the respondent, at the outset, submits that he has no objection if the matter is remanded back to the learned Court of Sessions for being heard on merits.
2. The revision petition filed by the petitioner challenging the order dated 02.02.2019 was dismissed on the ground of delay. The impugned order dated 02.02.2019 was challenged by filing a revision petition on 13.08.2019. Limitation prescribed for filing a revision petition is 90 days.
3. The learned Court of Sessions disbelieved the grounds pleaded by the petitioner that he had engaged a counsel for filing a revision within the prescribed period of limitation but the petition was not filed by the said counsel. It was only in the month of July that the petitioner was informed about the same where after the petitioner engaged a fresh counsel who filed the revision petition.
4. This Court finds no infirmity in the order passed by the learned Court of Sessions. However, considering that the



respondent has no objection if the matter can be directed to be heard on merits by the learned Court of Sessions, this Court considers it apposite to set aside the impugned order and remand the matter to the concerned learned Court of Sessions for being heard afresh.

5. In view of the above, the present petition is allowed and criminal appeal being CRL. A.163/2019 is restored to its original number and is directed to be listed before the concerned learned Court of Sessions on 11.12.2024.

6. A copy of the order be sent to the Principal District & Sessions Judge, Rohini, for compliance.

7. The present petition is disposed of in the aforesaid terms.

AMIT MAHAJAN, J

NOVEMBER 14, 2024
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