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

+ CRL.A. 1247/2019

SEEMA

..... Appellant

Through: Mr Raj Kumar Verma, Adv

versus

STATE & ORS.

..... Respondents

Through: Mr. Raghuinder Verma, APP for State

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

21.03.2024

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1. The learned counsel for the respondent / State points out that the present appeal is not maintainable as an appeal on behalf of the victim against the order of acquittal would lie to the Court to which an appeal ordinary lies against the order of conviction of such Court, in view of the proviso to Section 372 Cr.P.C.
2. He submits that the present appeal has been preferred against the order of acquittal under Sections 498A/406/34 IPC. In the event of conviction for the said offences the Appellate Court would be the Court of Sessions, therefore, the present appeal by the victim would lie before the said Court.
3. In view of the above position, the learned counsel for the appellant seeks to withdraw the present petition with liberty to file the same before the appropriate Court.



4. In view of the above, the petition is dismissed as withdrawn with liberty as aforesaid.

5. It is made clear that the appellant had been diligently prosecuting the present appeal before this Court, therefore, she would have the benefit of exclusion of time during which the present appeal was pending before this Court, for computing the period of limitation for preferring an appeal before the Court of Sessions.

VIKAS MAHAJAN, J

MARCH 21, 2024

N.S. ASWAL