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

+ **CRL.M.C. 6279/2024 & CRL.M.A. 24034/2024 (stay)**

SUDIPTA BASU

.....Petitioner

Through: **Mr. Sunil Kumar, Advocate**

versus

THE STATE (GOVT. OF NCT OF DELHI) AND ANR

.....Respondents

Through: **Mr. Hitesh Vali, APP for the State**

**SI Rishi PS Vasant Kunj north
Ms. Seema Seth, Ms. Poorvi Jain,
Mr. Sanjiv Saluja, Mr. Satish Panchal
& Ms. Muskan Deswa, Advs. for R-2
with R-2 in person**

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

13.08.2024

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CRL.M.A.-24033/2024

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

CRL.M.C. 6279/2024

1. This petition is filed seeking to set aside impugned order dated 15th April 2024 passed in Crl. Rev. No.629/2022 by the ASJ. By the impugned order, revision petition filed by the petitioner seeking setting aside of order dated 5th August 2022 passed by the Metropolitan Magistrate ("MM"), was considered.
2. Two issues had been raised by the petitioner challenging the order



dated 5th August 2022, *first*, that FIR No.100/2016 PS Vasant Kunj under Sections 498A/406 IPC had been registered on 8th August 2016 but charge-sheet was filed on 17th September 2019 after a delay of 6 months from the limitation provided in Section 468 Cr.P.C. The MM had condoned the delay, in circumstances as stated in the said order. *Secondly*, the MM's order was cryptic and mention of cognizance having being taken was not there, even though the matter was put up for arguments on charge for 9th December 2022.

2. The Revisional Court has traversed the submissions and dismissed the revision on the basis that the reasons for condonation of delay were legitimate, as also that the allegations were under Section 498A/406 IPC, and that the complainant was working in Bhutan, which triggered some delay. As regards the issue of omission to mention "taking cognizance", the Revisional Court has relied on Section 465 Cr.P.C., as also the decision of Hon'ble Supreme Court in ***Pradeep S. Wodeyar v, State of Karnataka***, Appeal No. 1288/2021, on dealing with orders with some irregularity.

3. The Court heard submissions by petitioner who appears in person.

4. Firstly, what is underscored is that the FIR itself narrates detailed specific and extreme allegations, made by the complainant.

5. Secondly, the complainant, who is present along with her counsel, confirms that she was indeed in Bhutan for 1½ years and this aspect had been taken into account by the MM while condoning the delay.

6. Considering both these circumstances, this Court does not find any infirmity in the impugned order, as well as in MM's order condoning 6 months' delay.

7. On the other issue of omission to mention "taking cognizance", this Court has perused the impugned order and does not find any infirmity in the



same. A mere omission to mention “taking cognizance” does not detract from the fact that the FIR had been traversed by the MM and the matter had been put up for arguments on charge.

8. Petitioner’s reliance on decision in *Sanjit Bakshi v. State of NCT of Delhi & Anr.*, CrI. M.C. No.4177/2019 dated 19th May 2022 and *Om Lata & Ors. v. State of NCT of Delhi* CrI .M.C. No.6195/2023 order dated 28th August 2023 by a Coordinate Bench of this Court, is taken note of. The said decisions had also been adverted to before the Revisional Court which considered the same and this Court does not find any reason to interfere with the said order.

9. Aside from this, a perusal of the FIR itself would show that allegations are severe and specific in nature and it is only appropriate that proceedings in the matter proceed ahead unabated, considering there has already been a delay in filing the charge-sheet.

10. The petition is disposed of in above terms.

11. Order be uploaded on the website of this Court.

ANISH DAYAL, J

AUGUST 13, 2024/sm