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

+ **CRL.REV.P. 1073/2024**

PUSHPA DEVI

.....Petitioner

Through: Mr. Keshav Kumar Verma, Ms.
Arpita and Ms. Karishma, Advocates.

versus

STATE OF NCT OF DELHI AND ORS.

.....Respondents

Through: Mr. Manoj Pant, APP for the State
with Mr. Janhit Kumar, Mr. Dipanshu
Meena, Mr. Gaurav Kumar, Mr.
Karandeep Singh and Ms. Seema
Aggarwal, Advocates.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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29.08.2024

CRL.M.A. 25727/2024 (exemption)

Exemption granted, subject to just exceptions.

Application stands disposed-of.

CRL.REV.P. 1073/2024

By way of the present petition filed under sections 397/401 read with section 482 of the Code of Criminal Procedure 1973 ('Cr.P.C.'), the petitioner impugns judgment dated 02.04.2024 passed by the learned Additional Sessions Judge in criminal revision bearing CR No.145/2022 and order dated 04.01.2022 made by the learned Metropolitan Magistrate in complaint case bearing Ct. Cases No.442/2021. *Vide* judgment dated 02.04.2024, the learned ASJ has been pleased to dismiss the revision petition filed by the petitioner



under section 397 of the Cr.P.C., impugning order dated 04.01.2022 passed by the learned Magistrate, by which an application under section 156(3) of the Cr.P.C. was dismissed though the learned Magistrate took cognizance of the offences alleged in the complaint filed under section 200 of the Cr.P.C.

2. Though the present petition has been filed under the provisions of the Cr.P.C., in the opinion of this court, on a plain reading of section 531(2)(a) of the Bharatiya Nagarik Suraksha Sanhita 2023 ('BNSS'), proceedings are to be "*disposed of, continued, held or made*" in accordance with the Cr.P.C. *only* in cases where *such proceedings*, viz. "*any appeal, application, trial, inquiry or investigation*", were already *pending* immediately before the date on which the BNSS came into force, i.e., 01.07.2024. It appears therefore, that while inserting the repeal and savings provision in section 531 of the BNSS, the intention of Parliament was to not disrupt on-going proceedings by changing the governing law during the pendency of such proceedings.
3. Since the present petition has been *filed after 01.07.2024*, in the opinion of this court, the present petition ought to have been filed under the BNSS. Be that as it may, in order to obviate any unnecessary delay, the present petition is treated as one under sections 438/442 read with section 528 of the BNSS.
4. After making some submissions, learned counsel appearing for the petitioner seeks leave to withdraw the present petition, since it is evidently a *second revision petition* filed by the same petitioner impugning the same order of the learned Magistrate which was also



impugned by way of a revision petition before the learned Sessions Court.

5. The petition is accordingly disposed-of as withdrawn; without expressing any opinion on the merits of the challenge.
6. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

AUGUST 29, 2024

V.Rawat