



\$~13

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

+

CRL.M.C. 7704/2024, CRL.M.A. 29393/2024

BHAWNA GROVER

.....Petitioner

Through: Ms. Usha Mann and Ms. Vijayata M.
Bhalla, Advs.

versus

THE STATE GOVT OF NCT OF DELHI AND ORS.

.....Respondents

Through: Mr. Nawal Kishore Jha, APP for State
with SI Manoj Kumar, PS Paschim
Vihar, West.
Counsel for R-2 (appearance not
given).

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

%

04.10.2024

1. By way of present petition, the complainant has preferred the proceedings under the Domestic Violence Act and seeks to assail the order dated 13.09.2024, vide which the petitioner's appeal challenging order dated 04.01.2024 passed by the learned Judicial Magistrate (Mahila Court) was dismissed. Pertinently, vide order dated 04.01.2024, the learned Judicial Magistrate (Mahila Court), noting that the petitioner failed to appear in the Court, closed her right to lead evidence and consequently, the matter was put up for respondent's evidence.
2. Learned counsel for the petitioner submits that the petitioner could not appear on one of the said dates as the complainant/petitioner had gone to attend the ceremonies on account of the death anniversary of her father.
3. Learned counsel appearing for the petitioner states that in case the present petition is considered, the petitioner undertakes not to seek any



exemption and would regularly appear before the learned Trial Court.

4. The petition is resisted by learned counsel for the respondent No.2, who submits that despite being granted repeated opportunities not only by the learned Judicial Magistrate (Mahila Court) but also by the Appellate Court, the petitioner has continuously failed to appear before the learned Judicial Magistrate (Mahila Court). She submits that even the respondent's evidence has been concluded and the final arguments have been addressed. It is also informed that previously in W.P. (CRL.) 1755/2024, a Co-ordinate Bench of this Court, vide order dated 29.05.2024, considering that the complaint is of the year 2016, directed the Trial Court to expeditiously dispose disposal of the complaint.

5. Having heard learned counsels for the parties and on perusal of the material placed on record, this Court is of the considered opinion that the petition being filed under Section 12 of the Domestic Violence Act and the explanation furnished for the non-appearance of the petitioner before the learned Judicial Magistrate (Mahila Court) in her complaint, one last opportunity is granted. However, the same, shall be subject to payment of cost of Rs.5,000/- to be deposited by the petitioner with the Delhi State Legal Services Authority (Account No.18580110053263, UCO Bank, Branch Rouse Avenue, IFSC: UCBA0003364) within a period of one week from today. The amount so deposited shall be utilized by the Delhi State Legal Services Authority for providing counselling/psychological support to POCSO victims requiring such assistance.

6. Proof evidencing receipt of deposit shall be filed with the I.O.

7. A copy of this order be communicated to the Member Secretary, Delhi State Legal Services Authority for intimation.



8. The matter is now reportedly fixed before the learned Trial Court on 07.10.2024. The learned Trial Court shall fix a date for petitioner's appearance on which date the petitioner would appear for her examination/cross-examination. In case the petitioner fails to appear on the said date, the petitioner's right to lead evidence would stand closed and the Mahila Court would proceed further in accordance with law.

9. With the above directions, the petition is disposed of alongwith miscellaneous application.

MANOJ KUMAR OHRI, J

OCTOBER 4, 2024

akc