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

+ **CRL.M.C. 3432/2018**

SURESH CHAND SHARMA

.....Petitioner

Through: Ms.Naiem Jahan Heena, Adv.
Petitioner in person.

versus

STATE & ORS.

.....Respondent

Through: Mr.Satish Kumar, APP for the State
Ms. Pooja Marwaha and Mr.
Mohinder Mangla, Advocates for R2
to 4.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

07.08.2024

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The present petition has been filed challenging the order dated 03.04.2018 whereby the revision petition challenging the order dated 25.03.2015 passed by the learned MM has been dismissed vide order dated 07.03.2017

This order was challenged by the petitioner before the learned Sessions Court. It is pertinent to mention that that the present petition was filed through DHCLSC. Before proceeding further it is necessary to reproduce the order passed by the learned MM on 07.03.2017 which is as follows:



07.03.2017

Presents: Ld. LAC along with complainant.

An application for waiver of cost moved. Heard. Record perused. Record reveals that last and final opportunity was granted to complainant on 16.01.2013. Complainant has taken adjournment one after another since then. Thereafter cost was imposed on 25.03.2015 and again final opportunity was given on 03.08.2015 subject to cost. Again an adjournment was sought on 17.12.2015 which was subject to cost.

Considering the conduct of the complainant, this court is not inclined to allow the present application. Accordingly application is hereby dismissed.

At this stage, complainant seeks time to deposit the cost. Put up at 02.00 pm.

At 02.30 pm

Complainant in person. He submits that he is not been able to deposit the cost.

In view of the fact that complainant has not deposited all the costs which have been imposed on him on different occasion, present case is dismissed. File he consigned to record room.”

Perusal of the impugned order passed by the learned ASJ reveals that the revision petition was barred by limitation. Learned Sessions court dismissed the revision petition as the petitioner failed to explain any sufficient/plausible reason for delay in filing the revision petition. Learned Sessions court also examined the facts on merits leading to the dismissal of the complaint by the learned MM. Learned Sessions court did not find any illegality or impropriety in the order of learned MM.

For the purpose of complete satisfaction, I have gone through the complaint filed by the complainant. In the complaint, the complainant who is stated to be a priest has alleged that one police constable had misbehaved with him and later on removed the articles from the deity in February, 2012.



The complaint was filed April 2012. In consider that the learned MM and learned Additional Sessions Judge have exercised their discretion in accordance with the law. I do not find any illegality or impropriety in the orders.

The petition stands dismissed.

DINESH KUMAR SHARMA, J

AUGUST 7, 2024
rb/k