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

+ **CRL.M.C. 1542/2025**

SMT. VIJAY RANI

.....Petitioner

Through: Mr. Vaibhav Kush, Mr. Jayesh
Mishra, Ms. Rudrakshi Gautam,
Advocates

versus

THE STATE GOVT. OF N.C.T. OF DELHI & ORS.....Respondents

Through: Mr. Rajkumar, APP for the State.

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER

04.03.2025

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CRL.M.A. 6920/2025 (exemption)

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

CRL.M.C. 1542/2025

3. By way of present petition, the petitioner impugns order dated 25.10.2024 passed by the learned Trial Court vide which the order of the learned Magistrate dated 02.12.2021 was upheld.
4. The learned counsel for the petitioner draws the attention of this Court to the order dated 02.12.2025 *vide* which the complaint filed by the petitioner herein was dismissed in default and for non-prosecution. The order dated 02.12.2021 is set out below:

“... Today, the case has been called a number of times but



the complainant has neither appeared in person nor by pleader. It, therefore, appears that complainant is no longer interested in pursuing the present complaint. Hence, the complaint is dismissed in-default and for non-prosecution...”

5. The learned ASJ has *vide* order dated 25.10.2024 upheld the order of the learned Magistrate dated 02.12.2021. The relevant para of the said order is set out below:

“...7. I would have accepted the plea of Ld. Counsel for revisionist, had he been able to show the reasons for not filing the revision petition within limitation period after he received the certified copy of the impugned order. As per this application, he received the certified copy of the impugned order on 24.5.2022. Except the vague averment about the medical and financial condition of the revisionist, no justified reasons has been shown as to why the revision petition was not filed within 90 days, which expired on 24.9.2022. As this revision petition was filed on 23.11.2022, it is clear that revision petition is hopelessly barred. No medical record showing the illness of the revisionist has been placed on record to lend support to this application.

8. Consequently, I am not inclined to allow this application as the revisionist-complainant-applicant has been unable to show any sufficient cause for not preferring the application within period of limitation. The application for condonation of delay is therefore dismissed. The revision petition is also dismissed being barred by limitation....”

6. This Court has heard the learned counsel for the petitioner, and therefore, this Court notes that the learned Magistrate herself mentions in the order that “earlier all the matters were adjourned en bloc pursuant to the directions issued by the Hon’ble High Court of Delhi. The Court notes that during the COVID-19 period, the matters were adjourned en bloc and thereafter, the parties were informed during the said period by e-mails, etc. When these matters were taken up on the dates fixed before it, it was expected that court notice will be issued to the complainants as during the



said period, the complainants were not appearing in the Courts. Revision in this case was time barred by the two months, though the learned ASJ mentions that the revision petition is hopelessly barred.

7. Considering the overall facts and circumstances of the case, the present petition stands allowed. The order dated 25.10.2024 passed by the learned Sessions Judge and order of the learned Magistrate dated 02.12.2021 stand set aside.

8. In view of the above, the present petition stands disposed of.

9. Let copy of this order be sent to the learned Sessions Judge and the learned Magisterial Court concerned for information by the Registry.

10. The order be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

MARCH 4, 2025/zp

Click here to check corrigendum, if any