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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 3618/2025 & CRL.M.A. 15924/2025**
VIJAY NANDPetitioner

Through: Mr. Ramesh Rawat, Advocate.

versus

DURGA DEVIRespondent
Through: None.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER
22.05.2025

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1. The present petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ pertains to CT. Case No. 8346/2020 titled as ***Durga Devi vs. Vijay Nand*** pending before the Court of Judicial Magistrate First Class, (Mahila Court-02), Dwarka Court, Delhi).
2. The Petitioner, an accused in the aforementioned complaint is aggrieved by the slow progress of the trial. It is argued that despite multiple opportunities granted by the Trial Court, the Complainant/Respondent is not recording her evidence, as a result of which the trial is being delayed. This delay seriously prejudices the Petitioner. Attention of this Court is drawn to Trial Court order dated 21st May, 2024, which reads as follows:

“Counsel for complainant is requesting for an adjournment on the ground that complainant is not available today. Adjournment sought by way of last and final opportunity. Upon failure to lead evidence on NDOH,

¹ “BNSS”

This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.

The Order is downloaded from the DHC Server on 23/05/2025 at 12:57:47



*present matter shall be dismissed for non prosecution.
Complainant is directed to remain present on NDOH.
Put up for CE on 03.08.2024.”*

3. It is further argued out that despite the aforementioned directions, the Complainant did not lead evidence even on subsequent dates, as is apparent from the Trial Court orders dated 9th January, 2025 and 20th March, 2025.
4. Indeed, as per the aforementioned orders, multiple opportunities have been granted to the Complainant to lead evidence, but to no avail.
5. The matter is now listed before the Trial Court on 2nd June, 2025. The Trial Court has already observed, that the adjournment has been granted by way of last and final opportunity.
6. In the above circumstances, the Trial Court shall now pass appropriate orders in accordance with law.
7. The present petition is disposed of along with pending application.

SANJEEV NARULA, J

MAY 22, 2025

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