



\$~143

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

+ CRL.L.P. 104/2020

ANITA GARG

.....Petitioner

Through: Mr. Saroj Kumar Jha, Advocate

versus

STATE & ORS.

.....Respondents

Through: Mr. Pradeep Gahalot, APP for State

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

22.09.2025

%

1. The present matter is listed on an office Note.
2. Notably, the present matter was listed on 08.09.2025 amongst other batch of cases arising out of the proceedings initiated under Section 138 of the NI Act, however, the present matter pertains to Section 323 IPC. While passing orders in the batch matters pertaining to Section 138 NI Act, inadvertently, the present matter was also directed to be transferred to the concerned Principal District & Sessions Judge.
2. Considering the aforesaid inadvertent error, let the order passed on 08.09.2025 be instead read as under:

“1. The present petition has been filed under Section 378 Cr.P.C. by the petitioner/complainant seeking leave to appeal against the judgement dated 14.08.2019 passed by the learned MM, KKD Courts in the case bearing CC No. 117/14 titled as ‘ANITA GARG v. VED BHARDWAJ AND ORS,’



vide which the respondents Nos. 2 to 4 were acquitted of the offence under Section 323 IPC.

2. *Ordinarily, a complainant who seeks to challenge a judgment of acquittal is provided the right to appeal under the proviso to Section 372 Cr.P.C. The proviso reads as follows:*

“Provided that the victim shall have a right to prefer an appeal against any order passed by the Court acquitting the accused or convicting for a lesser offence or imposing inadequate compensation, and such appeal shall lie to the Court to which an appeal ordinarily lies against the order of conviction of such Court.”

3. *Considering the above-noted legal position, the present petition is transferred to the concerned Appellate Court of Sessions and will be considered as an appeal under the proviso to Section 413 of BNSS (formerly Section 372 of CrPC) and numbered accordingly.*

4. *The Registry is directed to transfer the entire record of the case to the concerned Appellate Court/learned ASJ having the jurisdiction, and for which purpose, it would be listed at the first instance on 28.10.2025 for directions.”*

5. The order dated 08.09.2025 is modified to the aforesaid extent.

6. It is made clear that this Court has not made any observations as to the merits of the case, and all rights and contentions of the parties are left open to be agitated before the court concerned.



7. Copy of this order shall be made part of the record.
8. A copy of the order be sent to the concerned District and Sessions Judge for necessary information and compliance.

MANOJ KUMAR OHRI, J

SEPTEMBER 22, 2025

na