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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.REV.P.(MAT) 359/2025, CRL.M.A.22784/2025**

KAMAL SHARMA

.....Petitioner
Through: **Ms. Bhawana Pandey (DHCLSC)**
Advocate.

versus

MITHLESH & ANR.

.....Respondent
Through: **None.**

CORAM:
HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

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06.08.2025

CRL.M.A.22785/2025(Seeking Exemption)

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

CRL.REV.P.(MAT) 359/2025

3. A Revision Petition under Section 397/401 Cr.P.C and Section 438/442 BNSS read with Section 482 Cr.P.C and 528 of Bhartiya Nagrik Suraksha Sanhita, 2023 has been filed on behalf of the Revisionist challenging the Order dated 20.05.2025 vide which the Execution Criminal No.78/2020 and Execution Criminal No.24/2022 whereby on account of dues of Rs.1,84,000/- and Rs.1,20,000/- respectively, Warrants of Arrest had been issued against him for 11.08.2025.



4. It is submitted on behalf of learned counsel for the Revisionist that it was an ex-parte Judgment under Section 125 Cr.P.C that was filed. The Revisionist suffered amputation of his left leg resulting in 70% disability, which fact had not been brought on record by the Respondent in the Petition under Section 125 Cr.P.C. Thereafter, on coming to know about the ex-parte Judgment, the Revisionist had moved an Application for setting aside the ex-parte Judgment which has been allowed, subject to the condition of deposit of Rs.50,000/-. However, the Revisionist is completely unemployed and physical disabled and dependent upon his father and is not in a position to deposit a penny and has not been able to comply with the Order. It is further submitted that though Warrants of Arrest have been issued against him for 11.08.2025, but has no means whatsoever to make the payment which has also been reported by the concerned Tehsildar. It is, therefore, submitted that the impugned Order be set aside.

5. Considering the submissions made that the Revisionist has no means whatsoever to pay the amount, the Warrants of Arrest issued for 11.08.2025 are hereby set aside with the directions that the financial condition of the Revisionist be first ascertained before sending the Revisionist to Jail.

6. The Revision Petition is hereby disposed of along with the pending Application.

NEENA BANSAL KRISHNA, J

AUGUST 6, 2025/va