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

+ CRL.M.C. 5757/2025 & CRL.M.A. 24665/2025,
CRL.M.A. 24666/2025, CRL.M.A. 24667/2025

MANJU GUPTA

.....Petitioner

Through: Mr. Yash Aggarwal and
Mr. Shobhit Sharma,
Advocates.

versus

RAKESH GUPTA

.....Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

% **21.08.2025**

1. The present petition is filed by the petitioner against the orders dated 29.05.2025 and 24.03.2025 passed by learned Trial Court, in CC No. 2828/2021.
2. By order dated 29.05.2025, the learned Trial Court granted one last opportunity to the complainant/ petitioner to appear for the examination, subject to payment of cost of ₹5,000/- to be deposited with DLSA (North), Rohini Courts, Delhi.
3. The learned counsel for the petitioner submits that he represents the petitioner before the learned Trial Court as well, and an adjournment was sought on 29.05.2025 as he was not in a position to appear due to personal reasons.
4. He submits that the learned Trial Court insisted on proceeding further and had also imposed cost on the petitioner, even though, he could not appear on that day due to genuine personal difficulty.
5. He submits that although the complainant was required to appear on the said date, however, on being informed by the counsel of his personal difficulty, the complainant did not appear



expecting that the matter would be adjourned. He submits that the non-appearance was *bona fide*.

6. He, however, submits that he is not pressing for other prayers as sought in the present petition and he would be satisfied if some more time is granted to the complainant for her appearance and recording of evidence.

7. He submits that the matter is now listed before the learned Trial Court on 22.08.2025 and the petitioner, who is an old lady, is not in a position to appear before the learned Trial Court on the said date.

8. Considering the above, purely on humanitarian grounds, if any application is filed by the petitioner for exemption from personal appearance, the learned Trial Court is requested to consider the same sympathetically and to exempt the complainant's appearance on 22.08.2025 while fixing a convenient date after two weeks as per its board position.

9. Furthermore, as the non-appearance of the complainant is stated to be on account of her counsel not appearing, and the counsel as stated above, could not appear on account of personal difficulty, the imposition of cost by the learned Trial Court should not be taken as stigmatic. At the same time, since there was a specific direction to the complainant to remain present and only a meagre amount of ₹5,000/- is imposed as cost, this Court does not consider it apposite to waive the same.

10. The petition stands disposed of along with pending applications.

AMIT MAHAJAN, J

AUGUST 21, 2025/DU