



\$~14

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.L.P. 387/2018**

PUNAM CHAND AGGARWAL

.....Petitioner

Through: Mr. Sameer Chandra, Mr. Shubham
Parashar, Mr. Aryan Tomar, Mr.
Himanshu Yadav, Advocates

versus

THE STATE (NCT OF DELHI) & ORS

.....Respondents

Through: Mr. Sunil Kr. Gautam, APP
SI Dhyanendra, P.S. Dabri
Mr. Archit Kaushik & Mr. Bhardwaj
for R-2 -7.

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

09.01.2025

%

CRL.M.A. 18277/2023

1. This is an application seeking substitution of legal heir of the petitioner who has expired on 31.10.2019.
2. Notice was issued and reply has been filed.
3. It is stated that the legal heir has only recently come to know of the pendency of the present petition and did not have any prior knowledge of the pendency of the proceedings.
4. For the said reasons, the delay has been explained and I am inclined to allow the application. The amended memo of parties annexed with the application is taken on record.

CRL.L.P. 387/2018

5. This is a leave to appeal challenging the order and judgment dated



02.04.2018 passed by learned MM-03, South West District, Dwarka Court, New Delhi in FIR No. 0528/1999 under Sections 380/448/419/420/468/471/120-B/411 of IPC wherein the respondent nos.2 to 7 have been acquitted.

6. Learned counsel for the parties are *ad idem* that against an order of acquittal, rather than filing leave to appeal under Section 378(4), the complainant has a right to file an appeal under *proviso* of section 372 of Cr.P.C. Reliance is placed on *Mallikarjun Kodagali (Dead) V The State of Karnataka*, 2019 (2) SCC 752.

7. In view of the above, the present leave to appeal is disposed of granting liberty to the petitioner to file an appeal in accordance with law challenging the order and judgment dated 02.04.2018 passed by the learned MM-03, South West District, Dwarka Court, New Delhi in FIR No. 0528/1999.

8. The petitioner shall be entitled to the condonation of delay as the petitioner was prosecuting the present petition from 29.05.2018 before this Court bonafidely and earnestly.

9. With these directions, the petition is disposed of accordingly.

JASMEET SINGH, J

JANUARY 9, 2025/j

[Click here to check corrigendum, if any](#)