



\$~62

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

+ CRL.L.P. 823/2018

RAM PRAKASH YADAV

.....Petitioner

Through: Mr. Kumar Vaibhav, Mr.
Mohd. Ashaab and Ms.
Dakshaja Upadhyay,
Advocates.

versus

VIDYA BISHT

.....Respondent

Through: Mr. Vijay Datt Gahtori
and Mr. Priyank
Kharkwal, Advocates.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

%

25.07.2025

**CRL.M.A. 49434/2018 (for condonation of delay of 156 days in
filing the present leave to appeal)**

1. For the reasons mentioned in the application, the same is allowed.
2. The delay of 156 days in filing the present leave to appeal stands condoned.

CRL.L.P. 823/2018

3. This leave to appeal is filed by the petitioner against the impugned judgment and order dated 27.04.2018, passed by learned Metropolitan Magistrate-02 (South District), Saket District Courts, New Delhi ('MM') in complaint case no. 463001/2016. By the impugned judgment, the respondent has been acquitted for offences under Sections 323/506 of the Indian Penal Code, 1860 (IPC).
4. Concededly, the petitioner being the victim has a remedy of filing an appeal against the order passed by the learned MM,



acquitting the respondent in the offences under Sections 323/506 of the IPC, in terms of proviso to Section 372 of the CrPC.

5. The petitioner, however, had preferred a petition seeking leave to appeal under Section 378(4) CrPC. The present petition has been pending for the last seven years, therefore this Court does not consider it apposite to remit the present petition before the Court of Sessions.

6. In view of the above, the leave to appeal is granted. Appeal be numbered as Criminal Appeal/2025 (*to be numbered*).

7. The present petition is disposed of in the aforesaid terms.

CRL.A. _____ (*to be numbered*)

8. The appeal is admitted.

9. List in due course.

10. The respondent shall furnish a personal bond in the sum of ₹10,000/- with one surety of the like amount, to the satisfaction of the Joint Registrar (Judicial) on 31.07.2025.

AMIT MAHAJAN, J

JULY 25, 2025

DU