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

+ CRL.M.C. 1727/2026, CRL.M.A. 7032/2026

MANJU GIRI

.....Petitioner

Through: Mr. Siddharth Satija, Adv.
(DHCLSC) with Ms. Charu Sinha,
Ms. Anuka Bachawat and Mr.
Akash Sachan, Advs.

versus

STATE (NCT OF DELHI)

.....Respondent

Through: Mr. Satish Kumar, APP with Ms.
Upasna Bakshi and Ms. Divya
Bakshi, Advocates
Mr. Zeeshan Diwan, Amicus Curiae

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

14.05.2026

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1. By virtue of the present petition under *Section 528* of the Bharatiya Nagarik Suraksha Sanhita, 2023 (***BNSS***), the petitioner seeks setting aside the impugned order dated 14.11.2025 (***impugned order***) passed by the learned ASJ-08, West District, Tis Hazari Courts, Delhi (***learned ASJ***) in Criminal Revision No.253/2022, whereby the revision petition, challenging the order dated 26.03.2021 passed by the learned Metropolitan Magistrate, Tis Hazari Courts, Delhi (***learned MM***), filed by the petitioner was dismissed on the ground of limitation.

2. At the outset, let the written submissions filed by Mr. Zeeshan Diwan, learned Amicus Curiae in compliance of the last order be taken on record.

3. Based on the facts of the present case, Mr. Siddharth Satija, learned



counsel for the petitioner primarily submits that the learned ASJ erred in dismissing the revision petition by observing that the same was barred by limitation without giving effect to the directions of the Hon'ble Supreme Court in *Suo Motu Writ Petition (C) No. 3 of 2020-In Re: Cognizance for Extension of Limitation* excluding the period from 15.03.2020 to 28.02.2022 and the consequential period of 90 days from 01.03.2022, thereby rendering the finding on limitation legally unsustainable.

4. He further submits that the learned ASJ further erred in dismissing the application seeking condonation of delay thereby observing that the exact period of delay was not properly mentioned in the application, whereas the petitioner was neither granted an opportunity to clarify the computation of delay nor was his supplementary application explaining the said delay considered.

5. Even though by way of the present revision petition the petitioner seeks to challenge the order of the learned ASJ passed therein under *Section 528* of the BNSS to set aside the same, which *prima facie* is not maintainable, however, the Hon'ble Supreme Court in ***Madhu Limaye vs. State of Maharashtra (1977) 4 SCC 551*** wherein it has been categorically stated as under:

“8. ...At the outset the following principles may be noticed in relation to the exercise of the inherent power of the High Court which have been followed ordinarily and generally, almost invariably, barring a few exceptions :-

(1) That the power is not to be resorted to if there is a specific provision in the Code for the redress of the grievance of the aggrieved party ;

(2) That it should be exercised very sparingly to prevent abuse of process of any Court or otherwise to secure the ends of justice;



(3) That it should not be exercised as against the express bar of law engrafted in any other provision of the Code. ...”

6. Considering the aforesaid, since the present is a case wherein the said revision petition of the petitioner filed against the order dated 26.03.2021 passed by the learned MM was dismissed by the learned ASJ *vide* the impugned order dated 14.11.2025 on the technical ground of limitation, this Court is proceeding to take up the same on merits so as to exercise its inherent supervisory jurisdiction under *Section 528* of the BNSS.

7. A perusal of the impugned record reveals that the learned ASJ failed to consider the application seeking condonation of delay filed therewith, which, categorically mentions the delay of 44 days, as also the supplementary application duly explaining the said delay and has gone on to hold as under:-

“4. There is only one scenario where the delay could have been that of 44 days and that is, when some period is excluded in ascertaining the time since when the period of limitation should have commenced. But, this situation is neither averred nor argued.”

8. Considering the aforesaid anomaly which has crept in, this Court deems the present a fit case to exercise its inherent supervisory jurisdiction under *Section 528* of the BNSS to set aside the impugned order dated 14.11.2025 and remand the proceedings to the learned ASJ for a fresh adjudication of the revision petition filed by the petitioner against the order dated 26.03.2021 passed by the learned MM after hearing the parties on its own merits, without being influenced by the observations made hereinabove.



9. Accordingly, the present petition is disposed of in the aforesaid terms.

10. Before parting, this Court seeks to appreciate the assistance and the arguments addressed by Mr. Zeeshan Dewan, the learned Amicus Curiae.

11. A copy of the present order be sent to the Principal District and Sessions Judge, West District, Tis Hazari Courts, Delhi for information and compliance.

SAURABH BANERJEE, J

MAY 14, 2026/rr