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

+ CRL.REV.P. 1083/2024, CRL.M.A. 26034/2024

S. K

.....Petitioner

Through: Mr. Arjun Syal, Mr. Vikram Singh
Nayal, Advs. with petitioner.

versus

GOVT. OF NCT OF DELHI & ORS.

.....Respondents

Through: Ms. Priyanka Dalal, APP for State
and SI Mukesh Yadav, PS Hari
Nagar.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

30.08.2024

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CRL.M.A. 26033/2024

1. Exemption allowed, subject to all just exceptions.
2. Application stands disposed of.

CRL.REV.P. 1083/2024

3. The present petition has been filed under Section 438 BNSS or Section 397 Cr.P.C. r/w Section 528 BNSS or Section 428 Cr.P.C. against the order/judgment dated 07.06.2024 on dismissal of appeal bearing CA No. 35/2022 by Ld. Principal District and Session Judge, Distt. West, Tis Hazari Courts, filed against the acquittal order dated 23.12.2021 passed by Ld. MM (Mahila Court) in case FIR No. 1216/2015 dated 29.08.2015 registered at PS Hari Nagar.
4. Ld. MM. vide order dated 23.12.2021 had acquitted the respondents in



case FIR No. 1216/2015 dated 29.08.2015 under Section 323/354/34 IPC registered at PS Hari Nagar.

5. Learned counsel for the petitioner confines his arguments only to the effect that in paragraph No. 11 of the impugned order, Ld. Principal District and Sessions Judge has taken into account the fact that the petitioner did not approach the police immediately when the second incident happened on 13.08.2015. Learned counsel for the petitioner submits that in fact a complaint was lodged with concerned SHO on 13.08.2015 which was duly received. Learned counsel submits that however this document could not be produced before the Ld. MM and Ld. ASJ. Learned counsel further submits that the matter may be remanded back to the Ld. Session Court for fresh consideration only taking into account the fact that complaint made to the local SHO on 13.08.2015.
6. Issue notice.
7. Learned APP for the State has accepted the notice.
8. Issue notice to the respondents through all permissible modes, returnable on 19.09.2024.

DINESH KUMAR SHARMA, J

AUGUST 30, 2024/AR/DG..