

ITEM NO.34

COURT NO.16

SECTION II-C

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (CrI.) No(s). 3809/2022

(Arising out of impugned final judgment and order dated 02-09-2020 in CRLA No. 419/2020 passed by the High Court of Delhi at New Delhi)

NITESH BHARDWAJ

Petitioner(s)

VERSUS

STATE OF NCT OF DELHI & ORS.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.60469/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.60465/2022-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 02-05-2022 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE SANJIV KHANNA
HON'BLE MS. JUSTICE BELA M. TRIVEDI

For Petitioner(s) Mr. K.V. Viswanathan, Sr. Adv.
Mr. Anil Kaushik, Adv.
Mr. V. P Rana, Adv.
Mr. Rajat Agnihotri, Adv.
Mr. Rajat Rana, Adv.
Mr. Amarjeet Singh, AOR

For Respondent(s) Ms. Manju Jetley, AOR

UPON hearing the counsel, the Court made the following
O R D E R

I.A. No.60469/2022, which is an application for exemption from filing certified copy of the impugned judgment and I.A. No.60465/2022, which is an application for permission to file additional facts and documents, are allowed.

In view of the decision of this Court in '*Mallikarjun Kodagali (Dead) vs. The State of Karnataka*', 2019 (2) SCC 752, a 'Victim' is not required to file an application for leave to appeal. Hence, we

are not inclined to issue notice in the special leave petition.

Learned senior counsel for the petitioner submits that Samita Bhardwaj is not a victim, and hence not entitled to file an appeal. We have not examined the said aspect and make no comments in this regard. It will be open to the petitioner to raise this contention before the High Court, in accordance with law.

Recording the aforesaid, the special leave petition is dismissed.

(BABITA PANDEY)
COURT MASTER (SH)

(DIPTI KHURANA)
COURT MASTER (NSH)