

Dinesh Marwah vs State Of Nct Of Delhi on 28 March, 2023

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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CRL.REV.P. 335/2023 & CRL.M.A. 8287/2023

DINESH MARWAH

..... Petitioner

Through:

Mr. Vikas Pahwa, Sr. Advocate
alongwith Mr. Prabhav Ralli, Ms.
Raavi Sharma and Mr. JKushagra
Sharma, Advs.

versus

STATE OF NCT OF DELHI

..... Respondent

Through:

Mr. Pradeep Gahalot, APP for the
State with SI Himanshi, PS Punjabi
Bagh.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

% 28.03.2023 CRL.M.A. 8288/2023 (Exemption)

1. Exemption is allowed subject to all just exceptions.

2. Application is disposed of.

1. This petition has been filed seeking setting aside the order dated 21.02.2023 passed by the Ld. ASJ, Tis Hazari Courts, Delhi, in SC No.591/2021 arising out of FIR No.297/2021 under Sections 376/354/506/34 IPC, PS Punjabi Bagh, Delhi.

2. Ld. Sr. Counsel for the petitioner submits that the complainant got registered a complaint that she has been sexually assaulted from years 2008 to 2021, therefore, there is delay of ten years from the alleged initial incident. The thrust of the Ld. Sr. Counsel is on the statement of the complainant recorded under Section 164 Cr.P.C whereby she says that she was undergoing treatment for depression and because of that, she has called up at No.100, so the complaint made by her is under hallucination. Now she is feeling better and she states that there is no wrong act which is being done by the accused and the complaint had been filed when she was undergoing hallucination. Reliance is placed on similar facts and circumstances as decided by this Court inter alia in Vishal Chawla vs. State, 2019 SCC Online Del 9227, State vs. Dr. Gajraj Singh, 2017 SCC Online Del 6672 and a decision in Crl. Revision No.407/2010 titled Sonu vs. State, order dated 20.01.2011.

3. Issue notice.

4. Ld. APP accepts notice and will file a Status Report before the next date of hearing.

5. Considering the nature of the issues involved, the complainant may also be notified through the IO to be present in person or through counsel on the next date of hearing.

6. List on 10.08.2023.

1. This application has been filed seeking stay of the operation of the impugned order dated 21.02.2023 passed by the Ld. ASJ, Tis Hazari Courts, Delhi.

2. In view of the above facts and circumstances, the operation of the impugned order dated 21.02.2023 is stayed till the next date of hearing.

3. List on 10.08.2023.

4. Order be uploaded on the website of this Court.

ANISH DAYAL, J MARCH 28, 2023/kct