

* IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of Reserve: September 7th, 2010

Date of Order: September 22nd, 2010

+ Crl. Revision Petition No.456 of 2006

% 22.09.2010 Anjali Aggarwal ...Petitioner Versus

State & Ors. ...Respondents Counsels:

Mr. J.C. Mahendroo for petitioner.

Mr. Sunil Sharma, APP for State/respondent.

JUSTICE SHIV NARAYAN DHINGRA

1. Whether reporters of local papers may be allowed to see the judgment?

2. To be referred to the reporter or not?

3. Whether judgment should be reported in Digest? JUDGMENT

1. By way of present petition under Section 397 of Cr.P.C. petitioner sought setting aside of the judgment dated 10th February 2006 passed by learned Metropolitan Magistrate acquitting respondents no.2 and 3 for the offences under Section 506 read with Section 34 IPC.

2. The revision petitioner in her complaint to police had alleged that on 26th September 1992, she had come to Tis Hazari Courts in a child custody case. Respondent Sudershan Kumar Bagrodia, her ex-husband, who was a party in the custody case had come to Tis Hazari Courts along with his sister Smt. Jai Shree Bindal and when she was near gate no.2 of Tis Hazari Courts, both the respondents stopped her and threatened that she should stop coming to the Court otherwise she would be killed. She alleged that they tried to snatch the child from her and slapped her. She Crl. Revision Pet. No.456 of 2006 Anjali Aggarwal v State & Ors. Page 1 Of 2 then went to the police station to lodge a report and her report was recorded and after investigation, challan was filed.

3. The learned trial court after calling the records of the custody case pending between the parties observed that on 26th September 1992, there was no date of the custody case between the parties. The learned trial court also, after appreciating the testimony of complainant and her cross examination, concluded that the child was not with her on that day. The learned trial court found that the complaint made by the petitioner/complainant was a false complaint and, therefore, acquitted the respondents.

4. In her revision petition, the petitioner/complainant had taken the stand that on 26th September 1992, there was no hearing in the court and she had taken the child for meeting with the husband. Thus, the stand taken by the petitioner in revision is contrary to her statement made in the trial court wherein she had stated that she had appeared on that day in custody case of her child before the Court of Ms. Mamta Sehgal as her case was going on in the Court of Ms. Mamta Sehgal. I consider that in a revision petition, this Court cannot consider a new plea of fact which was not raised before trial court. Moreover, her version in the revision petition is belied by her version in FIR also wherein she had stated that on 26th September 1992, there was a date of the case.

5. I find that the present revision petition was another step taken by the petitioner to harass her husband and his family members. This petition being a frivolous petition is hereby dismissed with costs of Rs.20,000/-.

September 22nd, 2010 SHIV NARAYAN DHINGRA, J rd

Crl. Revision Pet. No.456 of 2006 Anjali Aggarwal v State & Ors. Page 2 Of 2