

I- 40

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

Date of Decision: May 15, 2015

+ CRL.M.C. 2031/2015 & CrI. M.A.Nos.7258-59/2015

NARAIN MITTAL & ORS. Petitioners

Through: Mr. S.D.Singh & Mr. Rahul
Kumar Singh, Advocates

versus

STATE OF NCT DELHI & ANR. Respondents

Through: Mr. Karan Singh, Additional
Public Prosecutor for respondent-
State with SI Pramod Kumar

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

JUDGMENT

%

(ORAL)

In a Criminal Complaint No. 35/P/14, vide impugned order of 15th December, 2014, petitioner has been summoned as accused for offences under Sections 356/379/34 of the IPC. The challenge to the impugned order in this petition is on the ground that there are material contradictions in the pre-summoning evidence and the status report filed by respondent-State as well as DD No. 27A, which is regarding a quarrel only, has not been considered by the trial court and so, impugned order deserves to be quashed.

Notice.

Mr. Karan Singh, learned Additional Public Prosecutor for

respondent-State accepts notice of this petition.

Upon hearing both the sides and on perusal of the impugned order and the material on record, I find that the contradictions *inter se* the depositions of witnesses *per se* cannot be the ground for not taking cognizance as CW-1 has leveled the allegations against petitioners of snatching away the mobile and removing ₹10,000/- from the bag and of threatening as well. What evidentiary value is to be attached to the statement of this witness cannot be pre-judged at this stage. Status report filed by the local police by itself is no ground to refuse to take cognizance, as it cannot be said that in the face of statement of this witness- CW-1, the ingredients of the offence alleged are lacking.

In view of the aforesaid, finding no palpable error in the impugned order, this petition and applications are dismissed while refraining to comment upon the merits of the case.

(SUNIL GAUR)
JUDGE

MAY 15, 2015

r