

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

Date of Decision: January 09, 2015

+ **CRL.M.C. 48/2015 & CrI.M.As.268-69/2015**

SATISH KUMAR Petitioner

Through: Mr. Pramod Ahuja, Advocate

versus

STATE & ANR Respondents

Through: Mr. Karan Singh, Additional
Public Prosecutor for State

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

JUDGMENT

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(ORAL)

Vide order of 28th April, 2012 trial court has summoned petitioner as an accused in a criminal complaint under Sections 420/467/468/471/474 of IPC.

Petitioner had filed a revision petition before the Sessions Court which stands dismissed vide impugned order of 28th August, 2014. The revision petition of petitioner has been dismissed as time barred. There is delay of 650 days' in filing the revision petition.

Upon hearing, I find that there is no illegality or infirmity in the impugned order as the delay has not been sufficiently explained.

Learned counsel for petitioner submits that trial court's order of 28th April, 2012 is unsustainable on merits as no case is made out against petitioner because the car in question was taken under the order of 10th September, 2007 in civil proceedings.

The scope of exercise of jurisdiction under Section 482 of cr.P.C., as reiterated by Apex Court in *Padal Venkata Rama Reddy Alias Ramu v. Kovvuri Satyanarayana Reddy & Ors. (2011) 12 SCC 437*, is as under: -

"13. It is well settled that the inherent powers under Section 482 can be exercised only when no other remedy is available to the litigant and not in a situation where a specific remedy is provided by the statute. It cannot be used if it is inconsistent with specific provisions provided under the Code (vide Kavita v. State and B.S.Joshi v. State of Haryana). If an effective alternative remedy is available, the High Court will not exercise its powers under this section, specifically when the applicant may not have availed of that remedy."

Since petitioner has an efficacious remedy to urge before the trial court at the hearing on the point of charge that no offence is made out, therefore, this petition is not entertained on merits.

In view of the aforesaid, this petition is disposed of while maintaining the impugned order and with liberty to petitioner to urge the pleas taken herein before the trial court at the hearing on the point of charge.

This petition and the applications are accordingly disposed of.

**(SUNIL GAUR)
JUDGE**

JANUARY 09, 2015

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