

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

% Order delivered on: May 19, 2015

+ **Crl. M.C. No.5840/2014**

RATTAN PODDAR Petitioner
Through Ms.Deepti Bhagat, Adv.

versus

STATE& ANR. Respondents
Through Mr.Satish Verma, APP for the
State.

CORAM:
HON'BLE MR.JUSTICE MANMOHAN SINGH

MANMOHAN SINGH, J.

1. The present petition has been filed by the petitioner under Section 482 Cr.P.C. for setting aside of order dated 29th September, 2014 passed by Additional Sessions Judge, Karkardooma Courts, Delhi in Criminal Revision Petition No.44/2011 titled 'Rattan Poddar vs. Raj Kumar Saraf & Anr'.

2. Brief facts of the case are that on the complaint of the petitioner, FIR No. 463/2002 P.S.Nanad Nagri, Delhi under Section 63/68A of Copyright Act was registered on the direction of the court on 11th October, 2002. Charge-sheet was filed by the investigating agency against all the accused persons arraying respondent No.2 as accused No.4. Thereafter, respondent No.2 filed a petition for quashing of FIR before this Court wherein respondent No.2 admitted that the case property belonged to the

respondent No.2. When the case was fixed for arguments on charge before the trial court, this Court dismissed the quashing petition filed by the respondent No.2 with liberty to argue on the point of charge all the contentions raised before this Court by order dated 2nd September, 2009.

3. By an earlier order dated 3rd July, 2007 Additional Chief Metropolitan Magistrate passed a detailed order holding that the charges be framed against all the accused persons including the respondent No.2. However, in view of the order passed by this Court, respondent No.2 was again heard on the point of charge before the trial court.

4. The trial court by order dated 4th December, 2010 discharged the respondent No.2 holding that respondent No.2 has not been charge-sheeted by the investigating agency.

5. At the time of discharging the respondent No.2, the petitioner was not present before the trial court as the complaint of the petitioner had been registered as FIR and presence of petitioner was not necessary before the trial court. The petitioner came to know about the discharging of the respondent No.2 only on 16th May, 2011 when the petitioner got the certified copy of the order of discharge.

6. Against the order of discharge passed by the trial court, petitioner filed Revision Petition before Sessions Court along with the application under Section 5 of Limitation Act for condonation of delay in filing of the revision petition. The petitioner had filed the revision petition within the statutory period from the date of

knowledge of the order of discharge of respondent No.2 but also filed the application for condonation of delay if the limitation was to be considered from the date of order passed by the trial court. The revision court issued notice to the respondent No.2 and also filed reply to the revision petition and the application for condonation of delay in filing of revision petition. By order dated 29th September, 2014 Sessions Court dismissed the revision petition as well as the application under Section 5 of the Limitation Act. Aggrieved by the said order, present petition has been filed by the petitioner.

7. Admittedly, the revision petition was filed by the petitioner before the Session Court challenging the order of the Magistrate passed on 4th December, 2010 in which the respondent No.2 was discharged. Along with the revision petition, the petitioner filed an application under Section 5 of the Limitation Act. By order dated 29th September, 2014, the Revisional Court dismissed the application on the ground of delay. It was observed in the order that the same is barred by limitation.

8. Having gone through the impugned order passed by the Revisional Court, I am not inclined to exercise my discretion to interfere with the said order once the revision petition has been dismissed. The present petition is dismissed.

(MANMOHAN SINGH)
JUDGE

MAY 19, 2015