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

Judgment delivered on: 14th October, 2015

+ **Crl M C No.4303/2015**

MS PINKI & ANR

..... Petitioners

Represented by: Mr.O.P.Gupta and Mr.Nitin
Garg, Advs.

versus

STATE

..... Respondent

Represented by: Ms.Meenakshi Chauhan,
APP for the State with SI
Manoj Dahiya, PS Punjabi
Bagh, Delhi in person.

**CORAM:
HON'BLE MR. JUSTICE SURESH KAIT**

SURESH KAIT, J. (Oral)

Crl. M.A. No.15225/2015 (Exemption)

Exemption allowed, subject to all just exceptions.

Accordingly, the application is allowed.

Crl M.C.No.4303/2015

1. Notice issued.
2. Ms.Meenakshi Chauhan, learned APP accepts notice on behalf of the State.
3. With the consent of learned counsel for parties, instant petition is taken up for disposal.
4. Vide the present petition under Section 482 Cr P C, petitioners have assailed the orders dated 27.02.2015 and 26.06.2015 passed by learned

Trial Court as well as order dated 17.08.2015 passed by learned Additional Sessions Judge in Criminal Revision Petition No.24/1/2014.

5. Vide initial order dated 27.02.2015, learned Trial Court took the cognizance in the charge sheet filed by police in case FIR No.958/2014 for the offences punishable under Sections 323/341/506/34 of the IPC. The charge sheet was filed against four accused persons wherein two accused persons were put in column No.11 and the petitioners before this Court were figured in column No.12, however, learned MM issued summons to all four accused persons with notice to their sureties. Subsequently, vide order dated 26.06.2015, the said learned Judge issued NBWs against petitioners with notice to their sureties under Section 446 of the Cr P C.

6. On perusal of the said order, it is transpired that learned Judge has not given any reasons as to why the petitioners were summoned. It seems that learned Magistrate has passed the order mechanically without giving any reasons therefor.

7. It is settled law that when summons are to be issued against the persons those who are charge sheeted while placing them in column No.12, the Magistrate has to give reasons for summoning them to face the trial, which is apparently absent in the instant case.

8. Accordingly, order dated 27.02.2015 passed by learned Magistrate against the petitioners is hereby quashed. Consequently, the subsequent order dated 26.06.2015 and proceedings arising therefrom is also quashed. Needless to state that learned Judge is at liberty to pass a fresh order for summoning the persons figured in column No.12 of the charge

sheet, after giving reasons thereof, at this stage or subsequently at the appropriate stage.

9. In view of above terms, instant petition is allowed and stands disposed of.

10. Order *dasti*.

Crl.M.ANo.15224/2015 (for stay)

Dismissed as infructuous.

**SURESH KAIT
(JUDGE)**

OCTOBER 14, 2015

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