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

+ **CRL.REV.P. 92/2016 & Crl.M.A. Nos.2140-2141/2016**

STATE

..... Petitioner

Through Ms.Manjeet Arya, APP for the State.
SI Ashok Kumar, P.S. ..

versus

SUFIYAN & ORS

..... Respondents

Through Nemo.

CORAM:

HON'BLE MR. JUSTICE P.S.TEJI

ORDER

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08.02.2016

Crl.M.A. No.2140/2016

Exemption allowed subject to just exceptions.

Crl.Rev.P. No.92/2016 & Crl.M.A. No.2141/2016

The present revision petition has been filed along with the application under Section 5 of the Limitation Act read with Section 482 of Code of Criminal Procedure, being Crl.M.A. No.2141/2016, for condonation of delay of 260 days in filing the revision petition.

During the course of submissions, it has been revealed by learned APP for the State that after passing the order by the Court on 18th February, 2015, the matter went back to the Court of Magistrate.

The Magistrate has already framed the charge and proceeded with the trial.

The arguments advanced by learned APP for the State is that the delay in filing the revision petition may be condoned and the order dated 18th February, 2015 remanding back the matter to the Court of Sessions, may be set aside. The facts remains that the trial has already been started and the learned Metropolitan Magistrate has already framed the charges. No doubt, if during the trial conducted by the Magistrate, there is evidence which implicate the accused person in the case of murder, as submitted, the remedy under Section 319 of the Cr.P.C. would be available.

In the facts and circumstances, I do not find any ground for condonation of delay in filing the revision petition. Consequently, the application for condonation of delay in filing the revision petition is, hereby, dismissed.

The main revision petition being Crl.Rev.P.No.92/2016 is dismissed as barred by limitation.

P.S.TEJI, J

FEBRUARY 08, 2016

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