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

+ **CRL.M.C. 614/2013**

AWADH KISHORE MANDAL & ORS. Petitioners

Represented by: Mr. A.K. Padhy, Mr. Rituraj
Choudhary and Mr. Mayur
Chaturvedi, Advocates.

Versus

STATE GOVT. OF NCT OF DELHI & ANR. Respondents

Represented by: Mr. Panna Lal Sharma,
Additional Public Prosecutor
for the State with
WSI Narender Kaur, PS
CAW Cell and SI Mohd.
Haroon, P.S. Tilak Nagar.

CORAM:

HON'BLE MR. JUSTICE SURESH KAIT

ORDER

% **29.01.2016**

CRL.M.C. 614/2013 & CrI. M.A. Nos. 1985/2013 & 19206/2014

1. Vide the present petition, the petitioners seek directions thereby to set aside the impugned order dated 20.10.2012 passed in Criminal Revision No.485/12 by the learned Additional Sessions Judge, Dwarka Courts, New Delhi.
2. It is not in dispute that vide order dated 06.07.2012, the learned Trial Court had not taken any cognizance against the petitioners herein. Being aggrieved, the complainant filed Criminal Revision No.485/2012, which was allowed and accordingly, summons were issued against the petitioners.
3. It is an admitted fact that before passing the summoning order dated

20.10.2012 against the petitioners, who were arraigned as party in the revision noted above, the learned Revisional Court had not issued any notice against them.

4. No doubt it is a State case. However, once the learned Trial Court had not taken cognizance against the petitioners and thereafter, in revision, the order is reversed, petitioners get right of hearing before the Revisional Court.

5. However, in the present case, the Revisional Court neither issued any notice to the petitioners nor heard them, but passed the impugned order dated 20.10.2012.

6. Therefore, keeping in view the dictum of the Supreme Court in the case of ***Manharibhai Muljibhai Kakadia & Anr. Vs. Shaileshbhai Mohanbhai Patel & Ors. (2012) 10 SCC 517*** and considering the facts and circumstances of the case, I hereby set aside the order dated 20.10.2012.

7. Needless to state that the learned Revisional Court shall pass order afresh after giving proper opportunity of hearing to both the parties.

8. Accordingly, the parties are directed to appear before the Revisional/Successor Court on 10.02.2016.

9. With the above observations, the present petition stands disposed of.

10. A copy of this order be given *dasti* to the learned counsel for the parties.

11. The Registry of this Court is directed to send a copy of this order to the concerned court for compliance.

SURESH KAIT, J.

JANUARY 29, 2016

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