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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.REV.P. 762/2016
STATE (GOVT OF NCT OF DELHI) Petitioner
Through: Mr. Tarang Srivastava, APP.
versus

MOHD NIZAM Respondent
Through: None.

CORAM:
HON'BLE MR. JUSTICE A.K. PATHAK

ORDER
% **25.11.2016**

Crl. M.A. 18371/2016

Delay in filing is condoned.

Application is disposed of.

Crl. M.A. 18372/2016

Delay in re-filing is condoned.

Application is disposed of.

Crl. Rev. P. 762/2016

Petitioner has challenged the order dated 22nd March, 2016 passed by the learned ASJ-O3/Dwarka Courts, Delhi whereby respondent has been discharged. Charge-sheet was filed against the respondent and his co-accused persons under Section 395/412/120-B/34 IPC. After hearing the arguments of learned APP and the counsel for the respondent charges have

been framed against the co-accused persons under Sections 120-B/395 IPC besides separate charge under Section 412 IPC was framed against the accused Mohd. Naemuddin. However, no charge has been framed against the respondent and he has been discharged.

As per the prosecution, 6-7 persons had committed dacoity in a godown-cum-office of M/s Kunj Enterprises situated at C-570, Mahavir Enclave, Part-III, New Delhi in the night of 4th September, 2015.

Trial court has categorically recorded in the order that no material could be collected by the prosecution during the investigation against the respondent except his disclosure statement. During the course of hearing, learned APP has failed to point out any incriminating material against the respondent except his disclosure statement, which has not led to any recovery. Accordingly, I do not find any illegality, impropriety or incorrectness in the impugned order.

In view of the above discussions, petition is dismissed.

A.K. PATHAK, J.

NOVEMBER 25, 2016

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