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

+ **W.P.(CRL) 3423/2016**

LT JITENDRA KUMAR & ANR. Petitioners

Through: **Mr. Praveen Kumar Jain & Mr. Ajit Kumar, Advocates.**

versus

STATE (NCT DELHI) & ANR. Respondents

Through: **Ms. Richa Kapoor, ASC and Ms. Priyanka Sharma & Mr. Ashish Negi, Advocates along with SI Pramod Kumar, PS-DBG Road, for the State.**

**CORAM:
HON'BLE MR. JUSTICE VIPIN SANGHI**

ORDER
22.09.2017

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C.M. No. 14497/2017

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

C.M. No. 14496/2017

Issue notice. Ms. Kapoor accepts notice.

The present application has been preferred to seek modification of the order dated 29.11.2016. It is pointed out that in the said order, the Court had, inter alia, observed that in case the prosecutrix does not support the case of the prosecution, the Trial Court shall appropriately pass orders

“discharging the accused”.

It is further pointed out that the prosecutrix has given a testimony, and in view thereof, the Trial Court cannot, in any event, pass the order of discharge.

In view of the aforesaid, the order dated 29.11.2016 is modified to the extent that the last sentence in the order dated 29.11.2016 be read as *“In case the prosecutrix does not support the case of the prosecution, the Trial Court shall pass appropriate orders in the case.”*.

The application stands disposed of in the aforesaid terms.

VIPIN SANGHI, J

SEPTEMBER 22, 2017

B.S. Rohella