

\$~25

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

DECIDED ON : JANUARY 16, 2017.

+ **CRL.M.C. 1557/2016 & Crl.M.A.6669/2016**

B BRAUN MEDICAL (INDIA) PVT. LTD. Petitioner

Through : Mr.Saif Khan with Mr.R.Kamath and
Mr.Aditya Gupta, Advocates.

versus

STATE (NCT OF DELHI) & ANR. Respondents

Through : Mr.Akshai Malik, APP.
Mr.Mohit Mathur, Sr.Advocate, with
Mr.Vaibhav Vatts and Ms.Aamna
Hasan, Advocates for R-2.

**CORAM:
HON'BLE MR. JUSTICE S.P.GARG**

S.P.GARG, J. (ORAL)

1. Present petition under Section 482 Cr.P.C. has been preferred by the petitioner to challenge the legality and correctness of an order dated 22.09.2014 of learned Additional Sessions Judge in Crl.Rev.P.No.132/2014 by which order dated 01.07.2014 of Metropolitan Magistrate in Complaint Case No.78/1/2012 was set aside and the complaint case was remanded with the directions to pass a well reasoned and speaking order. The petition is contested by the respondent.

2. It is a matter of record that Complaint Case No.78/1/12 was filed by the respondent No.2 against the petitioner and others. By a detailed order dated 1.7.2014, the Trial Court dismissed the Complaint Case. It was observed that offences under Sections 198/463/464/465/467/471 IPC were not made out against the accused persons named therein. Respondent No.2 challenged the said order in Crl.Rev.P.132/14. The Revisional Court by a comprehensive order set aside the impugned order dated 1.7.2014.
3. Admitted position is that at the time of hearing the revision petition, no notice whatsoever, was given to the petitioner and others.
4. Apparently, remand of complaint case without hearing the suspects/petitioner has resulted in causing prejudice to them and cannot be sustained.
5. During the course of arguments, it was agreed that the matter be remanded to the Revisional court to hear all the parties afresh and to pass an order on merits.
6. In view of the above, the impugned order dated 22.09.2014 of learned Additional Sessions Judge is set aside; the matter is remanded to the revisional court to hear the arguments afresh and to pass the order on merits as per law.
7. The parties shall appear before the revisional court on 30th January, 2017.
8. Learned counsel for the petitioner has stated at Bar that he will represent the other suspects who have been impleaded as respondents No.2,4,5,6,7 and 8 in Crl.Rev.P.No.132/2014 during the hearing of the revision petition only.

9. Notice will be issued to respondents No.3,9 and 10 by the revisional court for affording them hearing.

10. Since the impugned order of the revisional court has been set aside, subsequent summoning by the learned Metropolitan Magistrate vide order dated 2.11.2015 will have no impact.

11. The petition stands disposed of in the above terms.

(S.P.GARG)
JUDGE

JANUARY 16, 2017
sa

