

S-34 and 35

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

+ **CRL.M.C. 1558/2017 , CRL. M.A. 6339/2017**

ADIGEAR INTERNATIONAL

..... Petitioner

Through Mr. N. Hariharan, Senior Advocate
with Mr. H. Baruah, Mr. V. Deswal,
Mr. Siddharth Singh and Mr. Aditya
Vaibhav Singh, Advocates

versus

STATE, NCT OF DELHI & ANR

..... Respondents

Through Mr. Manjeet Arya, APP with SI
Naveen Dahiya
Mr. Sanjay Gupta, Mr. Rajnish Gaur
and Mr. Abhimanyu Nirula,
Advocates for R-2

+ **CRL.M.C. 1569/2017, CRL. M.A. 6362/2017**

P N KHANNA & ORS

..... Petitioners

Through

versus

STATE NCT OF DELHI & ANR

..... Respondents

Through

Mr. Manjeet Arya, APP SI Naveen
Dahiya, PS B.K. Road
Mr. Sanjay Gupta, Mr. Rajnish Gaur

and Mr. Abhimanyu Nirula,
Advocates for R-2

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

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19.07.2017

Respondent filed an application under section 156 (3) Cr.P.C before the learned Metropolitan Magistrate which was dismissed vide order dated 10th November, 2016. Respondent preferred a revision petition before the Special Judge (Prevention of Corruption) Act against the said order of the learned Metropolitan Magistrate. Learned Special Judge had remanded the matter back to the learned Metropolitan Magistrate for considering the matter afresh vide order dated 10.03.2017. However, an observation has been made in para 21 of the said order to the effect: "complaint and documents disclose cognizable offences which require to be investigated by the police". Grievance of the petitioner is that without hearing the petitioner such observation have been made with which, learned Metropolitan Magistrate is bound to be influenced. By placing reliance on Raghu Raj Singh Rausha Vs. Shivam Sundaram Promoters Pvt. Ltd & Anr. 2009(2) SCC 363 P-6, 14, 22 and 23 it is contended that learned Special Judge ought to have afforded an opportunity of hearing to the petitioner before interfering with the order of the learned Metropolitan Magistrate which had enured in favour of the petitioner.

During the course of hearing learned senior counsel for the petitioner and learned counsel for the private respondent have

contended that impugned orders may be set aside and matters may be remanded back to the Revisional Court for re-hearing of the revision petitions, after affording opportunity of hearing to petitioner.

With the consent of parties, impugned orders are set aside. The Revisional Court shall re-hear the learned counsels for both the parties and dispose of the revisions in accordance with law, expeditiously.

Parties to appear before the Revisional Court on 10.08.2017.

Dasti.


A.K. PATRAK, J

JULY 19, 2017

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