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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.M.C. 1866/2017 & CRL.M.A.Nos.11821/2017, 11715/2017
and.7642/2017.
OM PRAKASH PANDEY & ORS.

..... Petitioners

Through: Mr.Suraj Rathi, Mr.Rajiv Singh
Pilania and Mr.Siddharth Singh,
Advocates.

versus

STATE & ORS.

..... Respondents

Through: Mr.Hirein Sharma, APP for State.
Mr.Vivek Sood, Sr. Advocate with
Mr.Siddharth Gupta, Advocate for
R2.

CORAM:

HON'BLE MR. JUSTICE I.S.MEHTA

ORDER

04.08.2017

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This is a petition under Section 482 Cr.P.C. filed on behalf of the petitioners for setting aside/quashing the order dated 10.03.2017 passed by the Court of Shri Rakesh Kumar, Addl. Sessions Judge, Special Judge (NDPS), Tis Hazari Courts, Delhi in Criminal Revision No.56447/2016 tilted as *Hitesh Kothari vs. State of GNCT of Delhi and Others* in CC No.197/1/14, P.S. Kirti Nagar, Delhi.

Learned counsel for the petitioners has submitted that the revisional court went wrong while passing the impugned order dated 10th March, 2017, as the said order has been passed without giving opportunity of hearing to the petitioner and submitted that the impugned order is liable to be set aside and the matter may be remanded back to the Sessions Court for disposal

afresh after giving opportunity of being heard to the petitioner.

Learned senior counsel appearing for the respondent No.2 does not dispute the above fact and submits that he has no objection if the petitioner is given an opportunity of being heard before the Sessions Court.

In these circumstances, the petition is allowed. Consequently, the impugned order dated 10th March, 2017 is set aside and the matter is remanded back to the Court of learned Special Judge (NDPS), Tis Hazari Courts, Delhi with the direction to decide the matter afresh after giving opportunity of being heard to the petitioner and thereafter pass appropriate orders in accordance with law. Parties are directed to appear before the Sessions Court on 17th August, 2017.

The present petition is allowed and stands disposed of accordingly.

Copy of this order be sent to the Court concerned forthwith for information.

Copy of this order be also given *dasti* to the parties, as prayed.

I.S.MEHTA, J

AUGUST 04, 2017

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