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

+ CRL.M.C. 3854/2017

ARUN ARORA

..... Petitioner

Through: Mr. A.K. Dubey, Adv.
versus

THE STATE & ORS

..... Respondents

Through: Mr. G.M. Farooqui, APP.
Mr. Tanmay Aggarwal, Adv. for R-3.
Mr. Sudhir Kumar Shama and Mr.
Aakash Varma, Advs. for R-4.

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

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20.11.2017

By this petition, under Section 482 of the Code of Criminal Procedure, 1973, petitioner has assailed the order dated 24th July, 2013, after an inordinate delay of 4 years and for this reason, I am not inclined to entertain this petition.

Even otherwise, on merits also, petitioner has failed to make out any case. Present petition is a gross abuse of process of court.

FIR No. 262/2009 under Sections 324/323/34 IPC was registered at police station Burari on the complaint of petitioner. Petitioner alleged in the FIR that on 19th August, 2009 at about 08:30 pm he was closing his shop and going to his father's house when he heard sound of a gunshot. He

looked back and saw four boys beating his father. He ran towards that side and caught hold of one boy (Sachin); whereas other three boys ran away. He noticed that his father was stabbed on his thigh. He took him to a private hospital.

During the investigation, name of other three assailants were disclosed as Mohar Singh, Rakesh @ Bhussi and Rahul. They were also arrested. All the four accused were sent up to face trial.

Neither the petitioner nor his father disclosed name of any other person in their statements recorded during the investigation. However, while deposing in Court petitioner and his father named Mohsin Khan as one of the accused. According to them Mohsin Khan had exhorted other accused to beat PW-7 (father of petitioner). An application under Section 319 Cr.P.C. was filed and Mohsin Khan was summoned by the trial court. However, Mohsin Khan produced in Court certain documents, which indicated that he was admitted in a hospital on 19th August, 2009 at about 05:00 pm and remained there till 21st August, 2009. Accordingly, trial court discharged Mohsin Khan vide order dated 24th July, 2013. Prosecution/investigating agency was also directed to proceed in accordance with law against the complainant for false testimony.

As regards other accused are concerned, they were acquitted vide judgment dated 6th May, 2013, that is, much prior to the passing of the order dated 24th July, 2013. The acquittal was not assailed either by the State or by the complainant. Petitioner did not file any Revision Petition against the order dated 24th July, 2013. This order has become final. It appears that to avoid action against him, pursuant to the order dated 24th July, 2013, petitioner, as an afterthought, has filed this petition.

For the foregoing reasons, present petition is dismissed with costs of ₹25,000/- to be deposited by the petitioner with the Delhi High Court Bar Association Lawyers' Social Security & Welfare Fund, New Delhi within two weeks. In case cost is not deposited, Registry shall not entertain any other petition of this petitioner.

A.K. PATHAK, J.

NOVEMBER 20, 2017

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