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

+ CRL.M.C. 172/2018 and Crl.M.A.726/2018

SUNIL VERMA & ORS

..... Petitioners

Through: Mr. Pradeep Kumar, Adv.

versus

THE STATE GOVT OF NCT OF DELHI & ANR..... Respondents

Through: Mr. Akshai Malik, APP for the State
with SI Vinod Kumar, CAW East.
Mr. M.K. Sethi, Adv. with Mr. Abhay
Kumar, Adv. for R-2.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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06.08.2018

Upon consideration of the material submitted with the report filed under Section 173 Cr.P.C. in case FIR No.327/2013, under Sections 498-A/406/34 of the Indian Penal Code, 1860 (IPC) of Police Station Mandawali that had been registered at the instance of the second respondent, the Metropolitan Magistrate, by her order dated 05.08.2017, directed charge to be framed under Section 498-A IPC against all the accused who had been earlier summoned, *i.e.*, the petitioners herein, but excluding the fourth petitioner Pooja Verma. The Metropolitan Magistrate, at the same time, by the same order discharged all the petitioners for offence under Section 406 IPC.

The said order was challenged by the second respondent in the court of Sessions invoking its revisional jurisdiction (CR No.277/17). The

revisional court set aside the order of the Magistrate to above effect and directed fresh consideration thereby disposing of the revision petition by order dated 13.12.2017, the prime consideration for the said view taken being that the material which was part of the record of Crime Against Women Cell could not have been taken into consideration.

The order passed by the revisional court renders the question of charge or discharge wide open. The parties have the liberty to assist the Magistrate in taking a fresh call. This petition under Section 482 Cr.P.C. questioning the order of the revisional court does not call for any further directions at this stage. It is disposed of accordingly.

Pending application also stands disposed of.

R.K.GAUBA, J

AUGUST 06, 2018
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