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

+ CRL.M.C. 983/2018

PRAKASH MANDAL Petitioner

Through: Mr. S.P. Singh Rathore, Advocate

versus

THE STATE & ANR Respondents

Through: Mr. Mukesh Kumar, APP for the State

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

% **27.07.2018**

The petitioner had moved the court of the Metropolitan Magistrate by criminal complaint on 22.06.2016 alleging offence punishable under Section 420, 468, 471, 506, 406, 34 IPC having been committed by the second and third respondents. With the said complaint, he also made a prayer for direction to the police for investigation under Section 156(3) of the Code of Criminal Procedure, 1973. The said application was considered by the Metropolitan Magistrate but declined by a very detailed and reasoned order on 13.01.2017. Instead of directions to the police, the Magistrate deemed it proper to take cognizance and thus issued directions for inquiry under Section 200 Cr. PC to be held. The said order was challenged by the petitioner by criminal petition (no.136/17) before the court of Sessions which upheld the view taken by the Metropolitan Magistrate dismissing the revision petition by order dated 12.05.2017.

Against the above backdrop, question arose as to whether the petitioner having availed of the remedy of revision should be allowed to have recourse to the petition at hand as a substitute for virtually a second revisional challenge or scrutiny which is clearly barred under Section 397 (3) Cr.P.C.

This Court in an almost similar fact-situation, taking note of the decisions of the Supreme Court reported as *Krishnan Vs. Krishnaveni*, (1997) 4 SCC 241; *Rajinder Prasad Vs. Bashir*, (2001) 8 SCC 522 and *Kailash Verma vs. Punjab State Civil Supplies Corporation & Anr.*, (2005) 2 SCC 571 and following similar view taken by a learned single Judge of this Court in *Surender Kumar Jain vs. State & Anr.*, ILR (2012) 3 Del 99 in absence of a special case being made has earlier declined to interfere by the ruling (dated 03.07.2018) in Crl. M.C. 164/2018 *Ajay Maini vs. The State Govt. of NCT of Delhi & Ors.* in exercise of extraordinary jurisdiction under Section 482 Cr. P.C.

There are no special circumstances made out in the case at hand for the revisional court's view to be disturbed.

The petition and the applications filed therewith are dismissed.
Dismissed.

R.K.GAUBA, J

JULY 27, 2018

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