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

+ CRL.M.C. 1012/2018 and Crl. M.A. no. 3661/2018

LOKESH KUMAR Petitioner
Through Ms. Sonal Singh, Adv.

Versus

STATE (GOVT OF NCT DELHI) Respondent
Through Dr. M.P. Singh, APP with SI Suresh
Chand, P.S. Shahdara

CORAM:
HON'BLE MR. JUSTICE A.K. PATHAK

ORDER
% **09.05.2018**

By this petition under Section 482 Cr.P.C., petitioner has assailed the order dated 6th February, 2015 passed by the learned CMM, Delhi. Petitioner was facing trial for the offence under Section 325 IPC. On 6th February, 2015 he pleaded guilty and his statement was recorded by the learned CMM, which reads as under:-

“Statement of accused Lokesh Kumar S/o Sh.

Jitender R/o H.No. E-1, Jyoti Colony, Delhi, aged

about 35 years, Mobile No. 8860305505

Without oath

I am the accused. I voluntarily plead guilty for the offence i.e. under Section 325 IPC. A lenient view may kindly be taken. The consequences of pleading guilty have been explained to me in vernacular. I still insist on pleading guilty. I am making my statement voluntarily, without any force and coercion. The statement made by me has been explained to me in vernacular.

Sd/-
RO & AC

Sd./-
(Savitri)
CMM/Shd./Delhi
06.2.2015”

In view of his pleading guilty voluntarily, without any force and coercion, Trial Court vide order dated 18th November, 2015 convicted the petitioner under Section 325 IPC and imposed a fine of ₹20,000/-. Petitioner did not challenge this order further. However, complainant assailed the order wherein matter was remanded back to trial court for considering the matter on quantum of sentence. The court sentenced the petitioner till the rising of the court. Complainant again challenged this order and matter is

stated to have been remanded back again for reconsideration of quantum of sentence.

Petitioner has now assailed the order dated 6th February, 2015 by this petition after three years. First of all, in my view, order has not resulted in any miscarriage of justice to petitioner, who has been convicted on his pleading guilty; secondly, I am not inclined to entertain this petition after more than three years.

Petition is dismissed. Miscellaneous application is disposed of as infructuous.

A.K. PATHAK, J.

MAY 09, 2018
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