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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 769/2015 & CrI.M.A. No. 2922/2015**

JAI BHAGWAN SHARMA & ORS Petitioners
Through: Mr. M.T. Malik, Advocate.

versus

MANOJ KUMAR GUPTA & ORS Respondents
Through: Mr. Rajeev Sirohi, Advocate for R-1
and 2.
Mr. Mukesh Kumar, APP for State
with ASI Tulli Ram, P.S. Badarpur.

CORAM:
HON'BLE MR. JUSTICE R.K.GAUBA

ORDER
% **18.07.2018**

The petitioners are facing prosecution on the basis of criminal complaint (C.C. No. 2761/1/1999) instituted by the respondents. By order dated 28.05.2013, the Metropolitan Magistrate on the basis of pre-charge evidence, found sufficient material to put the petitioners on trial on the charge for offences punishable under Section 323/325/34 IPC. The said order was challenged by the petitioners in the court of Sessions invoking its revisional jurisdiction (CrI. Rev. No. 94/13). The revision petition, however, was dismissed by order dated 07.01.2015 upholding the order of the Magistrate.

The present petition invokes the inherent jurisdiction of this Court under Section 482 of Code of Criminal Procedure, 1973 (Cr.P.C.) to bring yet another challenge to the order framing charge.

Against the above backdrop, a 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 application filed therewith are dismissed.

R.K.GAUBA, J

JULY 18, 2018

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