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

+ CRL.M.C. 1224/2018 & CRL.M.A. 4471/2018

RASIK SAHANI

..... Petitioner

Through: Mr. Tanmay Mehta & Mr. Abhishek
Gupta, Advocates.

versus

STATE (GOVT.OF NCT OF DELHI) & ANR Respondents

Through: Mr. Ashish Dutta, APP for State with
SI Kamal Kumar, PS Okhla Industrial
Area.

Mr. Varun Goswami & Mr. Sahil
Agarwal, Adv for R-2.

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

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12.03.2018

Vide the present petition, the petition assails the impugned order dated 26.02.2018 of the Court of the learned ASJ-03 South East, Saket Court in CRL.REV. 160/2018 whereby the order dated 19.02.2018 of the Court of the learned MM-02, South East, Saket Court in FIR no. 608/2016, PS Okhla Industrial Area directing the DCP concerned to get the machinery involved in the matter to be inspected through any surveyor or a mechanical inspector as per the satisfaction of the DCP concerned within 10 days from the date of the order with the payment of the inspection being paid by the complainant upto the extent of Rs. 50,000/- after the date of the inspection being informed to the parties that they had to be present at the time of the inspection with directions further to the effect that the

Court had already directed vide order dated 06.01.2018 that once mechanical inspection was conducted, the machinery was to be released on Superdari to the rightful owner on the conditions in the order dated 06.01.2018, - has been stayed with the matter having been listed for 05.04.2018.

The documents submitted on behalf of the respondent no. 2 are taken on record.

On behalf of the petitioner, it has been submitted that the father of the petitioner who was the owner of the premises where the machinery in question has been kept had sought permission of shifting of the case property to his premises on the ground that he had sold the said premises to the buyer already and it has been submitted on behalf of the petitioner that there is consequentially likelihood of further litigation in the matter.

In the circumstances of the case, without any observations on the merits or demerits of the submissions made in CRL.REV. 160/2018 pending before the learned ASJ-03, South East, Saket Court. The learned ASJ-03, South East, Saket Court who is dealing with the CRL.REV. 160/2018 is directed to pre-pone the date of hearing from 05.04.2018 to the date 22.03.2018 and to dispose the said CRL.REV. 160/2018 within a week from the said date.

The prayer clause (a) in the petition CRL.M.C. 1224/2018 is disposed of accordingly.

Qua prayer clause(b) mentioned in the petition to the effect:

“(b) Transfer the investigation of the present criminal case to a competent authority in order to

conduct a fair investigation and direct the investigation officer to comply with the order dated 19.02.2018 passed by Hon'ble Metropolitan Magistrate.”,

Learned counsel for the petitioner presently seeks to withdraw the same seeking liberty to seek redressal in relation thereto after the proceedings in the Criminal Revision No. 160/2018 and the same is thus dismissed as withdrawn with the liberty granted as prayed.

The copy of the order be given Dasti, as prayed and be sent to the learned ASJ and to the learned Trial Court.

ANU MALHOTRA, J

MARCH 12, 2018
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