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

***Decided on:- 4<sup>th</sup> July, 2018***

+ CRL. M.C.3008/2018

ASHWANI KUMAR GANDHI & ANR. .... Petitioners

Through: Ms. Ginni, Adv.

versus

STATE

..... Respondent

Through: Mr. Arun Kr. Sharma, APP for  
the State with SI Rajender  
Dhaka & ASI Managtu Ram.

**CORAM:**

**HON'BLE MR. JUSTICE R.K.GAUBA**

**ORDER (ORAL)**

1. The petitioners are facing prosecution in the criminal case pending in the Court of Additional Chief Metropolitan Magistrate (West), it having been registered on the basis of report under Section 173 of the Code of Criminal Procedure, 1973 (Cr.P.C.) submitted on conclusion of investigation into FIR No. 301/2002 of police station Rajouri Garden involving offences punishable under Sections 420/467/468/120B of Indian Penal Code, 1860. On 14.07.2010, the Additional Chief Metropolitan Magistrate had found a case made out for putting the petitioners on trial on the charge for offences punishable under Sections 120B/420/468/471 IPC. Charges were framed on the same date and the plea of the petitioners was recorded. The petitioners had challenged the correctness, legality and propriety of the said order by invoking the revisional jurisdiction of the Court of

Sessions under Section 397 Cr.P.C. by presenting a revision petition (Crl.62/2015). The revision petition was dismissed by the Court of Sessions by its order dated 03.02.2018 which is sought to be assailed by the petition at hand presented under Section 482 Cr.P.C.

2. Against the above backdrop a question arose as to whether the petitioners having availed of the remedy of revision should be allowed to take recourse of Section 482 Cr.P.C. as a substitute for bringing virtually a second revisional challenge or scrutiny which is clearly barred under Section 397 (3) Cr.P.C.

3. This Court in 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 out, has earlier declined to interfere by the ruling 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.

4. There are no special circumstances made out in the case at hand for the revisional court's view to be disturbed. As rightly observed by the courts below.

5. The petition and the pending applications are dismissed.

**R.K.GAUBA, J.**

**JULY04, 2018//nk**