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

+ CRL.M.C. 2079/2018

SAHIL JAIN

..... Petitioner

Through: Mr. D.S. Kohli, Adv.

versus

STATE

..... Respondent

Through: Mr. Kewal Singh Ahuja, APP for
State with SI Surender Kr., PS
Mayapuri.

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

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23.04.2018

Vide the present petition, the petitioner assails the impugned order dated 22.02.2018 of the learned ASJ-05 (West), THC, Delhi dismissing the Crl. Rev. petition 567/2017 in relation to the FIR No.82/2009 vide which the said revision petition against the order dated 10.08.2017 of the learned MM, West, THC, observing to the effect that *pr ima facie* a case was made out for framing of the notice against the petitioner for the alleged commission of offence punishable under Section 284/337/304A Indian Penal Code, 1860 was upheld. It is *inter alia* observed in the impugned order to the effect that Section 304 of the Indian Penal Code, 1860 mentioned in the order of the trial Court was apparently a typographical error and related to Section 304A of the Indian Penal Code, 1860.

On behalf of the petitioner it has been submitted that the prayer is confined to the effect that the Crl. Rev. Petition 567/2017 be disposed of on merits, inasmuch as the same was dismissed on merits due to the absence of

learned counsel for the petitioner on the date of hearing, the date of hearing having been noted down as 22.03.2018 instead of 22.02.2018. Learned counsel for the petitioner further submits that placed on record as Annexure-J along with the petition is the copy of his own diary and that he makes statement at the Bar that the said submission is correct.

Taking the said submission into account of the learned counsel for the petitioner at Bar, in the interest of justice, the impugned order dated 22.02.2018 dismissing the Crl. Rev. Petition No.567/2017 is set aside with permission granted to the petitioner to make submissions on the said Crl. Rev. Petition No.567/2017 on merits. It is however made explicitly subsequently clear that only one opportunity for hearing is granted to the petitioner.

Copy of this order be sent to the Revisional Court and the learned trial Court.

The petition CRL.M.C. 2079/2018 is disposed of accordingly.

The matter be placed before the Revisional Court on the date 14.05.2018.

ANU MALHOTRA, J

APRIL 23, 2018

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