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

+ CRL.M.C. 2637/2018 & CRL.M.A. 9354-55/2018

MANISH CHOPRA & ANR

..... Petitioners

Through: Mr. Partap Singh with Mr. Sandeep
Kaushik & Mr. Deepak Kumar,
Advocates.

versus

STATE (GNCT OF DELHI) & ANR

..... Respondents

Through: Mr. Mukesh Kumar, APP for State.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

% **13.08.2018**

By order dated 24.05.2017, the Metropolitan Magistrate found charges made out against the petitioners for offence punishable under Section 498A/ 34 IPC and additional charge for offence punishable under Section 323 IPC against the first petitioner. The petitioners challenged the said order before the court of Sessions invoking its revisional jurisdiction by filing a petition (CA No.548/2017). The said petition was dismissed by order dated 01.03.2018.

Against the above backdrop, question arose as to whether the petitioners 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 applications filed therewith are dismissed.

R.K.GAUBA, J.

AUGUST 13, 2018

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