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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 3036/2018 & CRL.M.A. 10685/2018**

JITIN GULATI Petitioner

Through: Petitioner in person.

versus

STATE (NCT OF DELHI) & ANR Respondents

Through: Mr. Kamal Kumar Ghei, APP for
State.

CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER
% **29.05.2018**

CRL.M.A. 10686/2018 (Ex.)

Exemption allowed subject to all just exceptions.

The application is disposed of.

CRL.M.C.3036/2018

Notice is yet to be issued to the respondent no. 2. On a perusal of the petition and on a consideration of submissions made by the petitioner, it is brought forth that the petitioner assails the impugned order dated 05.12.2017 in CR No. 428/2017 passed by the learned ASJ, Special Judge, NDPS, South, Saket in FIR No. 408/13 whereby the said petition CR NO. 428/2017 filed by the revisionist, i.e., the petitioner herein before this Court challenging the order dated 28.02.2017 of the Court of the learned MM-03, South in FIR No.408/13, PS Safdarjung Enclave, was dismissed as withdrawn in view of submissions made by the petitioner submitting to the effect

that he would seek his remedy before the Trial Court.

Apparently, when the petitioner has made the said submissions before the Revisional Court of the Special Judge, NDPS on 05.12.2017, the remedy sought by the petitioner vide the present petition seeking the setting aside of the said order cannot be granted. The petitioner submits that he would seek his liberty before the learned Trial Court as was submitted by him on 05.12.2017 and that he may be allowed to do so submitting *inter alia* to the effect that the matter is pending before the Trial Court for today. Apparently in view of the submissions made by the petitioner on 05.12.2017 in CR No. 428/2017, the petitioner has a right to be heard before the Trial Court and he may thus make his submissions before the Trial Court.

Inter alia a submission is made by the petitioner that he seeks that efforts for settlement may be made as the matter is a matrimonial dispute which is not refuted on behalf of the State by the learned APP in reply to a specific court query.

In view of the said submissions, the learned Trial Court would make an endeavour to attempt a settlement through mediation.

The petition is disposed of in above terms.

Copy of the order be sent to the learned Trial Court and be given *dasti* to the petitioner.

ANU MALHOTRA, J

MAY 29, 2018/NC