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

+ CRL.M.C. 4654/2018 and CrI. M.A. no. 32010/2018

AJAY SHARMA

..... Petitioner

Through

Mr. Tanmaya Mehta and Mr. Anuj
Arora, Advs.

versus

STATE & ORS

..... Respondents

Through

Dr. M.P. Singh, APP with SI Deepak,
P.S. Janakpuri

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

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14.09.2018

Petitioner (complainant) filed an application under Section 216 Cr.P.C. before the learned Metropolitan Magistrate, Delhi for framing of additional charge. Application was dismissed by the trial Court, vide order dated 21st March, 2017. Petitioner preferred the criminal Revision Petition before the Sessions Judge, wherein notices were ordered to be issued to respondent nos. 2 to 4. It appears that steps were not taken to serve respondent nos. 2 to 4. Accordingly, vide order dated 9th February, 2018 last opportunity was granted to the petitioner to serve respondent nos. 2 to 4 by taking steps, subject to costs of ₹1,000/- to be deposited with the Delhi

Legal Services Authority (West). Vide order dated 23rd April, 2018 learned Additional Sessions Judge has dismissed the Revision Petition on the ground that receipt evidencing deposit of cost along with PF/RC was not filed. Learned counsel for the petitioner submits that cost was deposited on 23rd April, 2018 itself. Depositing cost on 23rd April, 2018 would not have served any purpose as the same was to be deposited with PF/RC. Be that as it may, in the interest of justice, I am of the view that one final opportunity is granted to petitioner to serve respondent nos. 2 to 4 by taking steps before the Additional Sessions Judge. Impugned order is set aside, subject to costs of ₹10,000/- to be deposited with Kerala Chief Minister's Distress Relief Fund within one week and receipt be produced before the Revisional Court on the next date of hearing. Let petitioner appear before the Revisional Court on 28th September, 2018.

Petition is disposed of in the above terms. Miscellaneous application is disposed of as infructuous. Dasti.

A.K. PATHAK, J.

SEPTEMBER 14, 2018
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