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

+ CRL.M.C. 5248/2018 and CrI.M.A.34198-34199/2018

GULSHAN SETHI

..... Petitioner

Through: Mr. Kundan Kumar Mishra, Advocate
with Mr. Jitendra Kumar &
Mr. Akhay R., Advocates

versus

GOVT OF NCT OF DELHI & ANR

..... Respondents

Through: Ms. Meenakshi Dahiya, APP for the
State

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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12.10.2018

Upon consideration of the material submitted with the report (charge sheet) under Section 173 of the Code of Criminal Procedure, 1973 (Cr.P.C.) presented on conclusion of investigation into First Information Report (FIR) No.34/2013 of Police Station Greater Kailash-I, the Metropolitan Magistrate by order dated 06.06.2017 found *prima facie* case made out for putting the petitioner on trial and framed charge under Sections 354/323/451/506 of the Indian Penal Code, 1860 (IPC). The formal charges were framed on 31.07.2017, copy whereof shows the gravamen of the charge under each head has been duly spelt out.

The petitioner had challenged the said order of the Metropolitan Magistrate in the court of Sessions by Criminal Revision Petition No.414/2017. His grievances were that the facts and circumstances of the case had not been properly construed by the Metropolitan Magistrate and

only a cursory scrutiny was made without going into the probability factor. The revisional court having subjected the evidence presented with the charge sheet to scrutiny has declined to interfere dismissing the revision petition by order dated 24.08.2018, upholding the order of the Metropolitan Magistrate that *prima facie* case for charge is made out.

The petition at hand invokes the extraordinary jurisdiction of this court under Section 482 of the Code of Criminal Procedure, 1973 (Cr.P.C.) to assail the two consistent orders of the courts below. No interference by this court is called for in the orders passed by the two courts below.

The petition and the applications filed therewith stand dismissed.

It may be added here that nothing in the orders of courts below or the order at hand will be treated as final expression of opinion on merits.

R.K.GAUBA, J.

OCTOBER 12, 2018

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