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

+ CRL.M.C. 3328/2015 & Crl.M.A. 11873/2015

SHEETAL PRASAD SINGH

..... Petitioner

Through: Petitioner in person.

versus

STATE & ANR.

..... Respondents

Through: Mr. Ravi Nayak, APP for the State
with SI Pawan Kumar, PS EOW.
Mr. Prasoon Kumar & Mr. Kshitij
Kumar, Adv. for R-2.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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11.07.2018

On the request of the counsel for the petitioner, the matter was passed over earlier. When the matter was taken up again, the petitioner submits his counsel has not been able to come. The counsel for respondent no.2 submits it is an abuse of the process of the court inasmuch as order for framing of charge was passed by the trial judge which was challenged in criminal revision before the Court of Sessions that was dismissed.

The record shows that the Chief Metropolitan Magistrate (South), by order dated 25.11.2014, had framed charge under Section 120 B IPC against the petitioner and one Diwakar Singh and by the same order he had framed charged for offences punishable under Sections 409/201/120B against accused Piyush Kumar Singh. It also shows that the petitioner had challenged the said order before the Court of Sessions in revision

(Crl. Rev. 08/2015) which was decided by judgment dated 06.06.2015 whereby the petition was dismissed, there being no merits found therein.

Against these facts, the order framing charge, as affirmed by Court of Sessions in revision not having been challenged, the petition for quashing of the FIR cannot be entertained.

The petition and the accompanying application are dismissed.

R.K.GAUBA, J

JULY 11, 2018

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