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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CRL.M.C. 4326/2017 & CRL.M.A. 17403-17404/2017

RAJ KUMAR KHANNA & ORS

..... Petitioner

Through: Mr. Rahul Raj Malik, Adv.

versus

THE STATE & ANR

..... Respondent

Through: Mr. Panna Lal Sharma, APP for State
with SI Sunil Chandra, PS Tilak
Nagar.

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

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11.01.2018

At this stage, the petitioner seeks deletion of the respondent no.2 from the array of parties. As the FIR No. 919/2014, PS Tilak Nagar is indicated to be a State case, the respondent no.2 is allowed to be deleted from the array of parties. The rectification in the memo of parties be made by the petitioner.

Learned APP for State accepts notice of the petition.

Vide the present petition, the petitioner assails the impugned order dated 01.09.2017 of the learned ASJ-05 (West), THC, Delhi in case no. 57709/2016 in relation to FIR No. 919/14 submitting to the effect that the matter is fixed for consideration on charge and the observations in the impugned order dated 01.09.2017 make it appear that the documents on the record in the form of the previous complaint dated 20.08.2014 of the complainant which has been placed on record before the learned trial Court on 14.07.2016 as

brought forth vide Annexure P-4, the certified copy of order dated 14.07.2016 of the learned trial Court, would not be looked into in view of the submission made by the prosecutor appearing before the trial Court to the effect that neither the local police nor the prosecutor were then relying on the previous complaint dated 20.08.2014 mentioned in order dated 14.07.2016 of the trial Court.

Learned APP for State now submits that he does not oppose the consideration of documents that have been filed with the charge-sheet only.

Taking into account the factum that the document i.e. the complaint dated 20.08.2014 of the complainant to the SHO, PS Tilak Nagar was not made part of the charge-sheet and was submitted on behalf of the State itself on 14.07.2016 before the trial Court, though, a further submission has been made on behalf of the State on 01.09.2017 that the State was not relying on the said complaint, taking into account the factum that the said document dated 20.08.2014, i.e. the copy of the complaint of the complainant now forms the part of the Court record of the trial Court in Case No. 57709/16 in relation to the FIR No. 919/14, PS Tilak Nagar, in the interest of justice, the trial Court is directed to take the said document into account at the stage of consideration of charge.

The petition is disposed of accordingly.

Copy of the order be given *Dasti*, as prayed and be sent to the learned trial Court.

ANU MALHOTRA, J

JANUARY 11, 2018/vm