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

+ CRL.M.C. 13/2018

ARUN KATHURIA

..... Petitioner

Through: Mr. Nitesh Kumar Singh, Ms. Savita and
Ms. Neha, Advocates

versus

STATE & ORS

..... Respondents

Through: Ms. Meenakshi Dahiya, APP for the
State with SI Sunil Kumar, PS South Rohini
Mr. Santosh Singh Barthwal, ADv. for R-2 & 3

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

% **20.09.2018**

This petition was brought invoking the inherent power and jurisdiction of this court under Section 482 of the Code of Criminal Procedure, 1973 (Cr. PC) challenging the order dated 26.10.2017 of the Metropolitan Magistrate on the file of criminal case arising out of first information report no.396/2004 of police station Rohini involving offence punishable under Sections 325, 448, 34 of the Indian Penal Code, 1860 (IPC). While this petition has been pending, the court of Sessions on criminal appeal (no.147/17) instituted by the second and third respondents set aside the said order reviving the trial on the file of the Metropolitan Magistrate. The said order of the court of Sessions in Crl. A 147/17 is subject matter of challenge in Crl. M.C. 1455/2018, which is also listed today.

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The learned counsel for the petitioner fairly concedes that in view of the subsequent order of the court of Sessions vacating the order dated 26.10.2017 of the Metropolitan Magistrate, the present petition cannot survive. It is disposed of accordingly.

R.K.GAUBA, J.

SEPTEMBER 20, 2018

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