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

+ CRL.M.C. 4153/2015 and Crl. M.A. 14884/2015

DILBAGH SINGH Petitioner

Through: Petitioner in person

versus

STATE (NCT OF DELHI) Respondent

Through: Mr. Ravi Nayak, APP for the State with
SI Bansi Lal

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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14.08.2018

The petitioner is an accused in the criminal case arising out of a report under Section 173 of the Code of Criminal Procedure, 1973 (Cr. PC) which was submitted upon conclusion of the investigation into FIR no.821/2004 of police station Mehrauli involving offences punishable under Section 354, 506 of Indian Penal Code, 1860 (IPC). The charge-sheet in the said case was presented on 23.02.2006 whereupon cognizance was taken and the petitioner was summoned. The charges were framed in terms of order dated 19.12.2014, the formal charge having been brought on record on 07.01.2015 when the plea of the petitioner was to be recorded. Instead of recording of the plea, the petitioner made an endorsement on the said formal charge lodging protest against the procedure adopted. He has challenged the said order framing charge by the petition at hand invoking the jurisdiction of this court under Section 482 Cr. PC.

CRL.M.C. 4153/2015

page 1 of 2

The petitioner insists on appearing in person and arguing himself. He has two-fold grievances; first, that he was not provided the opportunity of being heard before the order on charge was framed and the second, that the complainant of the case has already died and there is no other evidence available.

His second submission cannot be considered in the present proceedings in view of the fact that he had earlier come to this court by filing a petition (Crl. MC 1253/2010) but learned single Judge of this court declined to quash the proceedings in the criminal case for the reason of the death of the complainant, the said petition having been dismissed by order dated 29.10.2010.

His first above mentioned contention is without merit. The trial court record, upon perusal, shows the matter remained pending at the stage of charge for several years. The Metropolitan Magistrate gave him the opportunity but he refused to address any arguments on the issue as is recorded in the proceedings dated 19.12.2014.

In view of the above, the petition being without substance is dismissed.

The trial court record shall be returned forthwith.

R.K.GAUBA, J

AUGUST 14, 2018

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CRL.M.C. 4153/2015

page 2 of 2