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

+ **CRL.M.C. 6433/2018**

GOKUL KUMAR & ANR. Petitioners

Through: Mr.Arvind Kumar Gupta, Adv.

versus

STATE & ANR Respondents

Through: Mr.Mukesh Kumar, APP with SI
Radhey Shyam, EOW.

Mr.Kundan Kumar Mishra &
Mr.Akshay. R, Adv. for R-2.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

% **17.12.2018**

CrI.M.A. No.49939/2018 (for exemption)

Allowed, subject to all just exceptions.

CRL.M.C. 6433/2018 & CrI.M.A. No.49938/2018 (for stay)

At the outset, Mr.Mukesh Kumar, learned APP raises an objection that the present petition is not maintainable as the petitioner has a statutory remedy under Section 397 Cr.P.C. to approach the learned Additional Sessions Judge.

In view of the aforesaid objection, learned counsel for the petitioners prays for leave to withdraw the present petition with liberty to avail the statutory remedy under Section 397 Cr.P.C.

The petition is dismissed as withdrawn along with the pending application with liberty as prayed for.

REKHA PALLI, J

DECEMBER 17, 2018/gm

