

\$~ 18

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

+ CRL.M.C. 5113/2015 & CRL.M.A. 18657/2015

SUBHASH MANCHANDA Petitioner

Through: Mr. D. K. Rustagi with Ms.
Vasundhara Nagrath, Advocates.

versus

STATE & ANR Respondents

Through: Mr. Akshai Malik, APP for State with
SI B.R. Tyagi, P.S. Kamla Mkt.
Mr. R. K. Kaushik for Mr. Vivek
Sawhney, Advocate for R-2.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

% **16.07.2018**

The Metropolitan Magistrate by his order dated 04.04.2015 had directed the second respondent to be put on trial on the charge for offences punishable under Sections 468 IPC, 420 read with Section 511 IPC, 419, 468 and 471 IPC, separate charges having been framed and the plea of the second respondent recorded to put the case arising out of FIR No.605/2006 of P.S. Kamla Market on trial.

The second respondent challenged the said order by criminal revision no.06/15 which was allowed by the court of sessions by order dated 19.11.2015, setting aside the afore-mentioned order and thereby dropping the charges for offences punishable under Sections 419/420/468 IPC.

Feeling aggrieved, the petitioner, he being the complainant of the case, has come up to this Court by the petition at hand questioning the legality, propriety and correctness of the view taken by the revisional court.

After some hearing, the learned counsel for the respondent No.2 fairly submitted that the order of the revisional court may be set aside and the order of Magistrate be restored for the trial to be held on the charges framed by the said court of Magistrate by order dated 04.04.2015, this without prejudice to the contentions of the second respondent (the accused) as to whether finding of guilt on those charges can be returned or not. The impugned order of the sessions court is, thus, set aside. The order dated 04.04.2015 of the Metropolitan Magistrate is, consequently, restored.

The petition and the application filed therewith are disposed of in above terms.

R.K.GAUBA, J

JULY 16, 2018
srb