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

+ **TR.P.(CRL.) 2/2019**

UZAIR BEG & ORS.

..... Petitioners

Through: Mr. Sudarshan Rajan, Mr. Mohd. Qamar Ali and Mr. Dharmendra Singh, Advocates.

versus

STATE

..... Respondent

Through: Mr. G.M. Farooqui, APP for State with SI Ashok Kumar, PS- Hazarat Nizammuddin.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

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10.01.2019

CRL.M.A. 343/2019 (Exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed-off.

TR.P.(CRL.) 2/2019

Issue notice. Mr. G.M. Farooqui, the learned Additional Public Prosecutor for the State accepts notice. It is the petitioner's case that the same Court cannot be the Trial Court as well as the Revisional Court. He submits that in the peculiar circumstances of the case, the Trial Court itself has become the Revisional Court because initially the case was triable before the Court of the learned CMM and the order on charge passed by that Court was challenged before the Court of Sessions. However, while the challenge was pending adjudication, the learned CMM came to the

conclusion that since the case involved POCSO Act, the matter was triable by the Additional Sessions Judge duly nominated under the POCSO Act. Resultantly, now the case is pending adjudication before the Revisional Court, which has become the Trial Court as well. The Revision Petition was filed in time. In the circumstances, a Revision Petition would lie before this Court.

In view of the above, it will be open to the petitioner to withdraw the Revision Petition and file it before this Court within two weeks.

The petition is allowed and disposed-off in the above terms.

A copy of this order be given *dasti* to the learned counsel for the parties under the signature of the Court Master.

JANUARY 10, 2019

RW

NAJMI WAZIRI, J