

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

Date of Order: February 13, 2019

+ CRL.M.C. 793/2019 & CrI.M.As. 3221-22/2019

VISHAL VASHISHT & OTHERSPetitioners

Through: Mr. D.Hasija, Advocate

Versus

STATE OF DELHI & ANR.Respondents

Through: Dr. M.P.Singh, Additional Public
Prosecutor for respondent-State

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

(ORAL)

Petitioner has been charge-sheeted under Section 394/34 IPC in FIR No. 32/2011, registered at police station Rajinder Nagar, Central District, Delhi. Against the order on Charge, petitioner had preferred a Revision Petition, which was dismissed by the Revisional Court vide order of 20th December, 2018 as time-barred.

Petitioner's counsel assails the impugned order of 9th December, 2014 on the ground that it discloses utter non-application of mind and the stand of petitioners has not been considered. It is submitted that no case under Section 394/34 IPC is made out and at best, the case made out against petitioner will come within the ambit of Section 323/34 IPC.

Learned Additional Public Prosecutor for respondent-State supports the impugned order and submits that there is no infirmity in it.

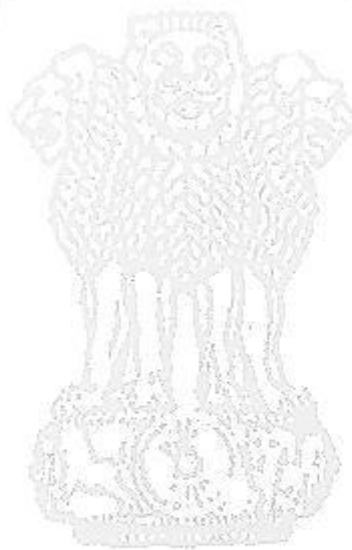
Upon hearing and on perusal of impugned order, I do find that it is a cryptic order but after hearing petitioner's counsel and going through the FIR of this case, this Court finds that *prima facie* case under Section 394/34 IPC is made out against petitioner. Accordingly, this petition is dismissed while not commenting upon the merits of the case, lest it may prejudice petitioner at trial.

This petition and the applications are accordingly disposed of.

(SUNIL GAUR)
JUDGE

FEBRUARY 13, 2019

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