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

+ **CRL.REV.P. 603/2019**

ROHIT

..... Petitioner

Through Mr. Dharm Vir Singh, Adv.

versus

THE STATE (GOVT. OF NCT OF DELHI) Respondent

Through Mr. Amit Chadha, APP

CORAM:

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

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10.12.2019

1. The present revision petition has been filed by the petitioner under Section 401 read with Section 482 of the Code of Criminal Procedure, 1973 for setting aside the order on charge dated 25.1.2019 passed by Special Judge (NDPS)-1, Central District, Tis Hazari Court, Delhi in case FIR bearing No.71/2017, under Section 302 of the Indian Penal Code, 1860 (IPC), registered at PS: Sarai Rohilla whereby the charge under Section 302 of the IPC was framed against the petitioner.

2. Learned counsel for the petitioner has argued that the impugned order dated 25.1.2019 is bereft of any reasoning and prayed that the matter may be remanded back.

3. Learned APP, on the query of the Court, also submitted that the matter may be remanded back.

4. I have gone through the impugned order dated 25.1.2019 and

found that except the three lines, just to complete the formalities that *prima-facie* case is made out against the petitioner, it contains nothing. It seems that the Trial Court has neither applied its mind nor has given any *prima-facie* reason to come to the conclusion as to how the charge under section 302 of the IPC is made out against the petitioner.

5. Accordingly, the impugned order dated 25.1.2019 on the point of charge is set aside and the matter is remanded back to the Trial Court. The Trial Court is directed to re-hear the arguments on the point of charge on the next date of hearing, i.e. 31.1.2020, before it and pass the appropriate order in accordance with law.

6. Revision petition is disposed of in the above terms.

CHANDER SHEKHAR, J

DECEMBER 10, 2019/rk