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

+ **CRL.REV.P. 360/2016**

KRISHAN KUMAR

..... Petitioner

Through Mr. Sanjay Rathi with Mr. Rahul
Tokas, Advocates.

versus

THE STATE (GOVT OF NCT OF DELHI)

..... Respondent

Through Ms. Kusum Dhalla, APP for the State.
SI Bhupender, PS Rohini South.

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

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25.03.2019

CRL.REV.P. 360/2016 & CrI.M.A.7985/2016 (stay)

1. Petitioner seeks to impugn order on charge dated 11.03.2016.
2. Learned APP for the State, under instructions from the Investigating Officer, submits that the trial is nearly over and most of the witnesses have already been examined and only four witnesses are remaining i.e., 2 minor children, the Police Officer, who recorded the DD entry and the Metropolitan Magistrate, who recorded the statement under section 164 CrPC and as such the prosecution evidence is not likely to take long.
3. Learned counsel for the petitioner submits that the petitioner has a strong case on merits and is liable to be discharged as there is no material that has surfaced during investigation or even during the trial.

He, however, submits that keeping in view the stage the proceedings have reached before the Trial Court, he seeks leave to withdraw the petition with liberty to raise all pleas before the Trial Court at the stage of final arguments.

4. Petition is, accordingly, dismissed as withdrawn with liberty to the petitioner as prayed for.

5. It is clarified that this Court has neither considered nor commented on the merits of the case of either party.

SANJEEV SACHDEVA, J

MARCH 25, 2019
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