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

Date of decision: 30th October, 2019

+ CRL.REV.P. 633/2014 & CrI.M.A. 15906/2014

MANJEET SINGH CHUGH Petitioner

Through Mr.Rajat Aneja, Adv. with
Ms.Chandrika Gupta, Adv.

Versus

STATE & ORS Respondents

Through Mr.K.K. Ghei, APP for State.
SI Bansi Lal PS K.M. Pur.
Mr.Anupam S. Sharma, SPP with
Mr.Eric Karan Sharma, Adv. for CBI.
Mr.Siddharth Satija, Adv. for
Mr.Siddharth Aggarwal, Adv. for R-2

CORAM:
HON'BLE MR. JUSTICE SURESH KUMAR KAIT

J U D G M E N T (O R A L)

1. Vide the present petition, the petitioner seeks direction thereby to set aside/quash the impugned Order dated 06.09.2014 passed by learned Additional Sessions Judge-03, Patiala House Courts, New Delhi District, New Delhi in the case bearing CC No. 45/2014 titled "*Registrar General, High Court of Delhi Vs. Inspector Ashok Kumar and others*", within the

jurisdiction of P.S. Tilak Marg under Sections 193/195/34 IPC.

2. The present petition has been filed on the ground that the learned Additional Sessions Judge while passing the impugned Order dated 06.09.2014 failed to take into consideration that the Respondent Nos. 3 to 5 who had been arrayed as accused persons in context of the complaint lodged by the Respondent No. 2 (Registrar General, High Court of Delhi) to prosecute the said Police officials who falsely and deliberately implicated the petitioner in the case bearing FIR No.392/2002 under Sections 308/34 IPC, thus, the learned Judge committed a grave illegality by directing the learned CMM to conduct enquiry for examining the role of one of the co-accused namely Anirudh Chakraborty, who has committed theft in the shop of the Petitioner on 26.10.2002.

3. Learned counsel for the petitioner submits that since the said Anirudh Chakraborty had already been convicted by the learned Metropolitan Magistrate in the proceedings of FIR No. 387/2002 registered under Sections 380/411 IPC, therefore, there was no need for the learned ASJ to direct the CMM to conduct enquiry for examining the role of Anirudh Chakraborty, whose role was totally distinct and separate from the role of other accused persons herein, i.e. the Respondent Nos. 3 to 5, who misused

the machinery of law in order to wreak vengeance against the Petitioner by misusing and abusing their official position during the course of conduct of their duties as Police officials.

4. To the aforementioned facts and submission, counsel for the respondents does not dispute and agree with the submission of counsel for the petitioner that learned Judge had no power to pass such order whereby directing the CMM to conduct inquiry on the role of Anirudh Chakraborty.

5. Accordingly, the impugned order dated 06.09.2014 is hereby set aside.

6. Learned Trial Court is directed to hear both the parties on the point of framing of charge afresh.

7. In view of above, the petition is allowed and disposed of.

8. Pending application stands disposed of.

(SURESH KUMAR KAIT)
JUDGE

OCTOBER 30, 2019
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