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

+ CRL.M.C. 3250/2016

SATISH NEWAR & ANR.

..... Petitioners

Through: Mr. Siddharth Aggarwal, Adv.

versus

STATE & ANR.

..... Respondents

Through: Mr. Amit Ahlawat, APP for the State.
Mr. Mayank Barua for Mr. Saurabh
Sharma, Adv. for R-2.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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08.02.2019

After some hearing, the learned counsel for the petitioners having taken instructions, submits he may be permitted to withdraw this petition under Section 482 of the Code of Criminal Procedure, 1973 (Cr.P.C.) primarily directed against the orders of the Metropolitan Magistrate and of the revisional court *vis-a-vis* the question of charge in the case against the petitioners arising out of FIR no. 201/2006 of police station Subzi Mandi, the petitioners seeking liberty to reserve the contentions set out in the petition on all questions of law to be agitated as defences during the trial before the concerned criminal court, the further request being that the observations of the criminal court which framed the charges, or of the revisional court whereby the challenge to the order framing charge and to the formulation of charge was repelled, may not be treated as conclusive or binding.

It is trite that the observations while framing charge whether by the Metropolitan Magistrate or by the revisional court *vis-a-vis* the charges or gravamen thereof were recorded only for the purpose of passing such orders and they cannot be treated as final or conclusive or binding, particularly in the facts and circumstances of the case at hand.

The petition is dismissed as withdrawn. The petitioners will have the liberty to take the contentions set out herein as defences during the trial.

R.K.GAUBA, J

FEBRUARY 08, 2019

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