

\$~21

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

+ CRL.REV.P. 30/2017

LOVE THAKUR & ANR Petitioners
Through Mr. Nalin Tripathi, Advocate.
versus

STATE OF NCT OF DELHI & ORS Respondents
Through Ms. Meenakshi Dahiya, APP for the
State.
SI Brahma Dutta, PS Sunlight Colony
Mr. Tariq Adeeb with Mr. Jouhar
Adeeb, Adv. for R-2 to 5.

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

% **23.07.2019**

CRL.REV.P. 30/2017 & CrI.M.A.525/2017 (for condonation of delay)

1. Petitioner/the complainant impugns order dated 30.01.2015, whereby, charge has been framed against respondent Nos.2 to 5 under Sections 341/323/506/34 IPC. Petitioner/complainant is aggrieved on the ground that no charge under Section 325/308 IPC was framed against the said accused.
2. Subject FIR was registered on the complaint of the petitioner, wherein he had alleged that he along with his friends was assaulted by the respondents by use of sticks.
3. Petitioner allegedly sustained laceration wound on his right parietal region of scalp as well as laceration below his right eye. MLC for the petitioner had opined that the nature of injuries was simple/blunt. Based on that, the Trial Court did not frame a charge under Sections 325/308 IPC.

4. Learned counsel for the petitioner contended that subsequently a panel of doctors had opined that the nature of injury on the petitioner is grievous and the Trial Court has erred in not noticing the same.
5. Learned counsel appearing for the respondent Nos.2 to 5 contends that the order on charges dated 30.01.2015, impugned herein, was also impugned by the State by filing Crl.Rev. P. 179/2015 titled *State (Govt. of NCT) vs. Vinod & Ors.* and by order dated 29.10.2015, a Coordinate Bench of this Court held that no good ground was made out for interference with the order impugned therein and upheld the said order. He submits that the petitioner is precluded from challenging the same by way of these proceedings.
6. Learned counsel for the petitioner submits that the petitioner was not made a party or put to notice in the Revision Petition filed by the State and as such he seeks to file an application seeking review of order dated 29.10.2015 in Crl.Rev.P. 179/2015 on the ground that he was not made a party. Accordingly, he seeks leave to withdraw the petition.
7. In view of the above, petition is dismissed as withdrawn.

SANJEEV SACHDEVA, J

JULY 23, 2019/st