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

+ **CRL.M.C. 5078/2017 & CrI.M.A. 19992/2017**

SUJATA GUPTA

..... Petitioner

Through: Mr. Harsh Khanna & Mr. Sandeep
Khanna, Advocates

Versus

THE STATE GOVT OF NCT OF DELHI & ORS. ... Respondent

Through: Ms. Neelam Sharma, Additional
Public Prosecutor for respondent
No.1-State with SI Ranveer
Mr. R.Menon, Advocate for
respondents No.2 & 3.

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

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24.07.2019

Vide order of 3rd September, 2016, respondents No.2 & 3 were put on trial for the offences under Sections 323/352/451/427/509/506(I)/34 of IPC, in FIR No. 212/2012, registered at police station Anand Vihar, Delhi. The aforesaid order has been upset by the Revisional Court on 9th March, 2017 and respondent No.3 has been discharged, whereas respondent No.2 has been discharged for the offences under Sections 451/509 of IPC only.

Grievance of petitioner's counsel is that impugned order of 9th March, 2017 discharging respondents 2 and 3 has been passed without hearing petitioner, who is the complainant in the aforesaid FIR.

Petitioner's counsel places reliance upon Supreme Court's decision in *M/S J.K. International Vs. State, Govt. of NCT of Delhi & Ors.* AIR 2001 SC 1142 and a decision of this Court in *Parmod Bagga & Ors. vs. State* 2007 (4) JCC 3253 to submit that petitioner is required to be heard and denial of such right violates the principle of natural justice.

Upon hearing and on perusal of the impugned order and decisions cited, I find that the impugned order cannot be sustained, as it has been passed without hearing the petitioner, who is a necessary party.

Without commenting on the merits of the case, impugned order is hereby set aside with direction to the Revisional Court to hear both the sides in respondent's revision petition. Let both the sides appear before the Revisional Court on 31st July, 2019 to proceed further in accordance with the law.

This petition and application are accordingly disposed of.

Dasti.

(SUNIL GAUR)
JUDGE

JULY 24, 2019

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