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

+ W.P.(CRL.) 3962/2018

ARVIND MEHTO

..... Petitioner

Through: Mr. Ajay Verma, Advocate

versus

THE STATE AND ORS

..... Respondents

Through: Mr. Rahul Mehra, Standing Counsel
(Criminal), GNCTD with Mr.Chaitanya Gosain,
Advocate and Inspector Avnish Tyagi, PS:
Shahbad Dairy.

Mr. Vikram Jetly, CGSC for R-2/UOI.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

% **15.01.2019**

CRL.M.A. 50745/2018 (by the petitioner under Section 482 Cr.PC for directions)

1. At the outset, Mr. Verma, learned counsel for the petitioner hands over a copy of the order dated 10.01.2019, passed by the learned ASJ in SC No.243/2018, whereunder the petitioner and the other co-accused, Lalu Mehto have been directed to be released on their furnishing personal bonds in the sum of Rs.10,000/- each. Learned counsel states that on verifying from Tihar Jail, he was informed that compliance of the order dated 10.01.2019 has been made and the petitioner has been released. Copy of the

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order dated 10.01.2019 handed over by the counsel for the petitioner is taken on record.

2. The application is disposed of in view of the subsequent development.

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1. On the last date of hearing, i.e., on 07.01.2019, Mr. Rahul Mehra, learned Standing Counsel (Crl.), GNCTD had sought time to obtain instructions from the State as to whether it proposes to file an appeal against the judgment of acquittal dated 19.11.2018 passed by the trial court in favour of the petitioner. Today, he hands over a letter dated 14.01.2019 addressed by the Legal Department of GNCTD stating *inter alia* that the Department has concurred with the proposal of the Directorate of Prosecution that it is not a fit case for filing an appeal. Copy of the said letter is taken on record.

2. Learned counsel for the State submits that W.P.(C) 10689/2017 was listed before Division Bench-I on 10.01.2019 and liberty was granted to Mr.Ajay Verma, counsel for the petitioner to raise the issues raised in the present petition in the said petition. He further states that in any event, the constitutional validity of Section 437A Cr.PC is already under consideration in Crl.A. 1308/2015, which is listed on 05.02.2019. We may note that the aforesaid position was duly noted in our order dated 21.12.2018.

3. In view of the submission made above, the present petition is disposed of with liberty granted to the counsel for the petitioner to pursue the matter before Division Bench-I. If the petitioner or his counsel propose to seek impleadment in CRL.A. 1308/2015, it shall be for them to file an

appropriate application in this regard, which shall be considered in accordance with law.

4. The present petition is disposed of.
5. The date already fixed, i.e., 05.02.2019, is cancelled.

HIMA KOHLI, J

MANOJ KUMAR OHRI, J

JANUARY 15, 2019
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