IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr. MP(M) No. 2209 of 2020

Date of Decision: 22.12.2020

Neeraj Kumar ....Petitioner.

Vs.

State of H.P. .....Respondent.

Coram:

The Hon'ble Mr. Justice Ajay Mohan Goel, Judge

Whether approved for reporting?[1] No.

For the petitioner: Mr. Manoj Pathak, Advocate.

For the respondents: Mr. Sumesh Raj, Additional Advocate General, with Ms. Divya Sood, Deputy Advocate General.
(Through Video Conferencing)

Ajay Mohan Goel, Judge *(Oral):*

Learned counsel for the petitioner submits that he has instructions to pray that the petitioner may be permitted to withdraw this petition, however, with liberty to approach the Court of learned Special Judge afresh, with the observation that the dismissal of an earlier petition filed by the petitioner in this Court under Section 439 of the Code of Criminal Procedure may not come in the way of learned Court below while deciding the application of the petitioner on merit. Mr. Pathak further informs the Court that there is change in circumstances as on

1 ***Whether the reporters of the local papers may be allowed to see the Judgment?***

account of the contents of the supplementary challan which has been filed by the prosecution before the learned Court below.

2. Without making any observation on the merits of the case, this petition is permitted to be withdrawn, with liberty to the petitioner to approach the Court of learned Special Judge under Section 439 of the Code of Criminal Procedure. It goes without saying that in the event of the petitioner approaching the learned Court below, the application if so filed by the petitioner shall be decided by the learned Court below on merit.

(Ajay Mohan Goel)
Judge

December 22, 2020
(bhupender)