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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ CRL.REV.P. 637/2016 & CRL.M.As. 14993/2016, 2993/2017,  
2995/2017, 9558/2017, 10483/2017 & CRL.M.A. 3546/2018

RAMESH CHAND JAIN ..... Petitioner  
Through: Ms. Rebecca M. John, Senior Advocate  
with Mr. Sanjeev Soni, Ms. Maulshree Pathak &  
Ms. Praavita Kashyap, Advocates.

Versus

STATE & ORS ..... Respondents  
Through: Mr. Raghuvindra Verma, APP for State  
Mr. J.K. Bhola, Advocate with Mr. Ankit Jain,  
Advocate for respondent Nos. 2 to 5.

**CORAM:**  
**HON'BLE MR. JUSTICE MANOJ KUMAR OHRI**

**ORDER**  
% **10.01.2020**

1. The present revision petition has raised a challenge to an order dated 06.05.2016 passed by Addl. Sessions Judge (SFTC) Dwarka, in FIR No. 84/2011 registered under Section 323/325/34 IPC at P.S. Sector 23 Dwarka.
  2. Briefly, the present case relates to incidents dated 25.11.2009 and 09.02.2010. After investigation, the charge-sheet came to be filed in August, 2011. The petitioner/complainant filed an application under Section 323 Cr.P.C. seeking committal of the case to the Court of Sessions thereby seeking addition of Section 307 IPC against the respondents. The respondents also moved an application seeking discharge.
  3. Vide order dated 29.10.2015, the ACMM dismissed the petitioner's application on the ground that charges are yet to be framed. However, liberty was granted to move the application after recording the evidence of
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the complainant and the concerned Doctor. Subsequently, vide order dated 04.11.2015, charges were framed against the petitioner of the offence punishable under Sections 323/325/34 IPC.

4. Both the parties challenged the aforesaid order before the Sessions Court, which vide impugned order dated 06.05.2016 allowed the revision petition of the respondent, thereby discharging them. The petitioner's petition seeking framing of charge under Section 307 IPC read with Section 34 IPC was dismissed.

5. After some arguments, learned Senior Counsel for the petitioner as well as learned counsel for the respondent/complainant, on instructions, pray that the order framing charge passed by ACMM be set aside and the matter be remanded back to the trial court for consideration and hearing the parties afresh on the point of charge.

6. I have heard learned counsel for the parties and have gone through the case records. Learned APP for the State, on instructions, submitted that a disciplinary action has been taken against the Investigating Officer for his conduct in the present FIR.

7. Without commenting on the merits of the case, I am of the considered view that the parties need to be heard afresh on the point of charge.

8. Accordingly, the order dated 04.11.2015 passed by the ACMM framing charge, and the impugned order dated 06.05.2016 passed by learned Addl. Sessions Judge are set aside. The matter is remanded back and at the request of learned counsels for the parties, the matter is directed to be listed before the concerned Court on 25.02.2020 for directions.

9. The present revision petition is disposed of in the aforesaid terms alongwith pending applications.
10. A copy of this order be communicated to the trial court.
11. *DASTI.*

**MANOJ KUMAR OHRI, J**

**JANUARY 10, 2020**

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