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

+ **CRL.M.C. 1088/2024**

MR. BACHAN SINGH

..... Petitioner

Through: Mr. Lakshay Yadav, Ms. Kirti Chauhan and Mr. Deepanshu Goswami, Advocates

versus

STATE OF NCT OF DELHI

..... Respondent

Through: Mr. Yudhvir Singh Chauhan, APP for State with SI Sandeep, P.S. Kanjhawala.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

09.02.2024

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CRL.M.A. 4302/2024 (exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

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3. This petition has been filed under Section 482 Cr.P.C. on behalf of the Petitioner seeking the following relief:-

“Pass an order for correction of the order dated 27.09.2023, labeled as Judgment, passed by the Hon’ble Court of Mr. Ayush Sharma, Ld. Metropolitan Magistrate 02, North West, Rohini Court, Delhi in the matter titled as “State Vs Acharya Paramdev” bearing Criminal Case No. 530925/2016.”

4. The primordial contention raised by the Petitioner in the present petition *albeit* the prayer clause is not happily worded, is that there was ample evidence before the learned Trial Court for framing of charge under Section 377 IPC, which has been completely ignored and therefore the



Petitioner was compelled to file an application under Section 216 Cr.P.C., which has still not been decided by the Trial Court and it is proceeding to pass an order on sentence.

5. Having heard learned counsel for the Petitioner, in my view, the present petition is premature inasmuch as the order dated 03.02.2024 indicates that the application under Section 216 Cr.P.C. is still pending and was directed to be listed on 07.02.2024 for arguments on maintainability along with order on sentence. Learned counsel for the Petitioner states that the matter was taken up on 07.02.2024, but as learned counsel for the Accused was not present, it has been adjourned for 13.02.2024.

6. Since the learned Trial Court is yet to take a view on the said application, which is pending consideration, it is rightly pointed out by learned APP for the State that this petition is premature.

7. Petition is accordingly disposed of granting liberty to the Petitioner to take recourse to appropriate remedies at the appropriate stage, after the Trial Court takes a decision on the application under Section 216 Cr.P.C. It is made clear that this Court has not expressed any opinion on the merits of the case.

JYOTI SINGH, J

FEBRUARY 09, 2024/kks/shivam