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

+ CRL.REV.P. 100/2022

MOHD SAUBAN JIRJIS

.....Petitioner

Through: Mr. Atin Handuja, Adv.

versus

STATE (NCT OF DELHI) AND ORS.

.....Respondent

Through: Mr. Hemant Mehla, APP for the State
with SI Akashdeep, PS Jamia Nagar.
Mr. Ayyub Ahmad, Mr. Anis Ahmad
and Mr. Md. Shaad Khan, Adv.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

26.09.2024

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1. This petition has been filed for setting aside impugned order dated 08th October, 2021 where charges were not framed against the accused persons under Sections 307/308 IPC but were restricted to charges under Sections 323/325 IPC.
2. The MM by order dated 19th December, 2018 had noted that because of the assault on the head of the petitioner could be fatal, therefore, matter was committed to Sessions Court.
3. The impugned order notes that the MLC records that the injury is simple in nature and there was no history of bleeding from the head as reported nor any neurological opinion was ultimately obtained.
4. The impugned order traverses the case law which was cited relating to charges under Sections 307/308 IPC, in particular underlining the issue of



requisite intention which should be gathered from the peculiar facts and circumstances.

5. This Court has perused the MLC and notes that the Sessions Court is not incorrect in what it has recorded. Besides, the trial is also reported to be almost complete.

6. There is no infirmity or illegality in the Sessions Court's order.

7. Accordingly, the petition is dismissed.

8. Order be uploaded on the website of this Court.

ANISH DAYAL, J

SEPTEMBER 26, 2024/MK