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

+ **CRL.REV.P. 428/2023, CRL.M.A. 9907/2023,
CRL.M.A. 9908/2023, CRL.M.A. 9909/2023 &
CRL.M.A. 9910/2023**

HITENDRA YADAV @ RAJU Petitioner

Through: Mr. Maninder Singh, Sr.
Advocate with Mr. Ajay
Kumar Piloniya,
Mr. Paras Punyani,
Ms. Nikita Garg,
Ms. Simran & Mr. Lavish
Chhikara, Advocates.

versus

STATE Respondent

Through: Mr. Pradeep Gahalot, APP
for the State with Insp.
Rajesh Kumar Jha, PS
Subhash Place.

**CORAM:
HON'BLE MR. JUSTICE AMIT MAHAJAN**

**ORDER
11.01.2024**

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1. The present revision petition has been filed seeking setting aside of the orders dated 14.11.2022 and 12.12.2022, in SC No.558/2022 arising out of FIR No. 420/2022.
2. The learned Trial Court by order on charge dated 14.11.2022 observed that no case for discharge was made out by the petitioner as sufficient grounds existed to proceed against him for offences under Sections 302/307 of the Indian Penal Code, 1860 ('IPC') and Sections 27/30 of the Arms Act, 1959. Subsequently, by order dated 12.12.2022, charges were framed against the petitioner under the said Sections.
3. The learned Senior Counsel for the petitioner submits that



the petitioner is aggrieved by the impugned order on charge dated 14.11.2022 inasmuch as the learned Trial Court, without appreciating the admitted evidence, categorically recorded the finding that the exceptions to Section 300 of the IPC are not attracted.

4. The learned Additional Public Prosecutor for the State submits that he has no objection if this Court clarifies that the said finding is only for the purpose of framing of the charges.

5. It is thus clarified that the observation made by the learned Trial Court, in paragraph 3 of the impugned order on charge dated 14.11.2022, that the exceptions to Section 300 of the IPC are not attracted in the present case are only *prima facie* in nature, and would not influence the outcome of the trial. The petitioner is at liberty to prove his case during the trial.

6. In view of the above, the learned Senior Counsel for the petitioner does not wish to press the present petition, and seeks liberty to withdraw the same.

7. The petition, along with the pending application(s), is dismissed as withdrawn.

AMIT MAHAJAN, J

JANUARY 11, 2024

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