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

+ CRL.M.C. 3247/2019

GEETA

..... Petitioner

Through: Mr. P.S. Sharda, Adv.

versus

STATE

..... Respondent

Through: Mr. Utkarsh, APP for the
State with SI Krish Rana,
PS Laxmi Nagar, Delhi

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

04.03.2024

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1. It is not disputed that the judgment in the case of “*Sugreev Kumar v. State of Punjab*” was not put to the petitioner. The petitioner had no opportunity to address argument in that regard.
2. The Hon’ble Apex Court in *Ssangyong Engineering and Construction Company Limited v. National Highways Authority of India (NHAI) : (2019) 14 SCC 131*), held that the government guidelines relied upon were unreliable in the absence of the same being put to a party. It was held that the same cannot be relied upon since the party against whom the material is relied upon could have argued that such material is not correct or liable for some other interpretation.
3. The learned Additional Public Prosecutor for the State, however, submits that the impugned order is not solely passed relying upon the judgment passed in the case of “*Sugreev Kumar v. State of Punjab & Ors.*”
4. Be that as it may, since the petitioner had no opportunity to the address arguments in that regard and considering that the charges are yet to be framed, this Court considers it apposite to



set aside the impugned order dated 12.03.2019 and remand the matter to the learned Metropolitan Magistrate for hearing the arguments afresh.

5. The petitioner is directed to appear before the concerned Trial Court on 20.03.2024.
6. A copy of this order be sent to learned Trial Court for necessary compliance.
7. The petition is allowed in the aforesaid terms.

AMIT MAHAJAN, J

MARCH 4, 2024
“SK”