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

+ **W.P.(CRL) 2015/2024 and CRL.M.A. 19575/2024**

PREM CHHABRA & ANR.Petitioners

Through: Mr. Hitender Kapur and
Mr. Yatin Dhawan,
Advocates.

versus

**THE STATE OF NCT OF DELHI THROUGH SHO
AND ANR**Respondents

Through: Ms. Nandita Rao, ASC for
the State with Mr. Amit
Peswani, Advocate and SI
Gagandeep, P.S. Prashant
Vihar.
Mr. Vijay Aggarwal, Mr.
Ayush Jindal, Mr. Rachit
Bansal, Mr. Pankush
Goyal and Mr. Ketan
Kumar Roy, Advocates for
R-2.

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

**ORDER
19.11.2024**

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1. The learned counsel appearing on behalf of respondent No.2 has taken this Court through the revision petition filed before the learned Court of Sessions. He submits that the order dated 21.05.2024 was not available and therefore was not annexed with the Revision Petition No. 143/2024. The said fact was also disclosed in the revision petition.
2. Mr. Aggarwal, further submits that the impugned order staying the order passed by the learned ACMM, was passed after



the learned Court of Sessions has called for the Trial Court record. The same is mentioned in the order dated 22.05.2024 itself, that the Trial Court record was summoned on the same day at 3:30 PM.

3. The learned counsel for the petitioner submits that in the absence of impugned order being annexed or made available to the aggrieved party, the revision petition was not maintainable.

4. This Court had issued notice on a limited aspect noting the contention of the petitioner, that the order dated 21.05.2024 was digitally signed only on 22.05.2024 at 3:15 PM. Whereas, the revision petition challenging the said order was filed in the morning of 22.05.2024.

5. After perusing the revision petition filed by Respondent No.2, this Court is satisfied that the copy of the order dated 21.05.2024 was not available with the respondent No.2. The respondent No.2, it appears, after being made aware of the order dated 21.05.2024 had challenged the said order and the other proceedings by filing the revision petition.

6. Concededly, the matter is pending before the learned Court of Sessions.

7. Whether such revision petition in the absence of impugned order being available, is maintainable or not, would be considered by the learned Court of Sessions, at the time of arguments.

8. In view of the above, this Court does not consider it apposite to keep the present petition pending. Parties are liberty to take all other arguments including the maintainability of the petition and the power of the learned Magistrate directing registration of FIR, in the absence of sanction before the learned Court of Sessions.



9. The writ petition is dismissed of with the aforesaid observations.

AMIT MAHAJAN, J

NOVEMBER 19, 2024/DU