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

+ **CRL.M.C. 7766/2023 & CRL. M.A.28927/2023**

VIKAS

.....Petitioner

Through: Mr. Kamal Kishore, Mr. Jatin
Bhardwaj, Advocates.

versus

STATE OF NCT OF DELHI AND ANR

.....Respondents

Through: Mr. Laksh Khanna, APP for State.
Mr. Shailendar Akhouri, Advocate for
respondent no.2 (through VC).

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

16.08.2024

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1. By way of present petition, the petitioner is aggrieved by the order dated 07.12.2022 passed by the learned Additional Sessions Judge, District South East, Saket Court, Delhi vide which the petitioner has been summoned, despite not being sent for trial as his name was kept in Column No.12.
2. Learned counsel for the petitioner contends that the impugned order is a cryptic one and shows complete non-application of mind as to why the present petitioner has been summoned.
3. Learned APP for the State fairly submits that a reading of the impugned order would show that the same has not assigned any reason for summoning of the petitioner. The petition is, however, resisted by the learned counsel for the complainant, who states that there is enough material on record to summon the petitioner.
4. Indisputably, the petitioner's name was kept in Column No.12 in the



charge-sheet. It is a settled position in law that while summoning an accused not sent for trial, the Court has to assign reasons for disagreeing with the conclusion reached by the Investigating Officer.

5. It is also another facet of law that the order should show application of mind. The reasons for the trial court to disagree with the conclusions reached by the Investigating Officer in the report filed under Section 173 Cr.P.C, have to be apparent and reasonably delineated in the order. The impugned order, however, shows that no reason has been assigned by the learned trial court for reaching the said conclusion. It's a cryptic and unreasoned order.

6. In view of the aforesaid, the impugned order summoning the petitioner is accordingly set aside and the matter is remanded back to the Trial Court for fresh consideration.

7. The petition is disposed of in above terms along with pending application.

MANOJ KUMAR OHRI, J

AUGUST 16, 2024/rd