



\$~74

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

+ **CRL.M.C. 7049/2024**

VINOD KUMAR AGGARWAL

.....Petitioner

Through: Mr. Mohit Aggarwal, Mr. Deepak
Singh Poonia, Mr. Bhuvan Shekhar
and Ms. Pooja Saini, Advs.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Ms. Manjeet Ayra, APP for the State
with SI Amit Punia, PS Palam
Village.

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

ORDER

%

06.09.2024

CRL.M.A. 26914/2024

Exemption allowed, subject to just exceptions.

Application stands disposed of.

CRL.M.C. 7049/2024 AND CRL.M.A. 26913/2024

1. Petition under Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been preferred on behalf of the petitioner for quashing of FIR No. 330/2016 under Sections 3 and 7 of Essential Commodities Act, 1955, registered at P.S.: Palam Village and proceedings emanating therefrom.
2. Learned APP for the State appears on advance notice. At the outset, learned APP for the State submits that a revision petition preferred on behalf of petitioner against order on charge dated 21.09.2023 passed by learned Trial Court has been remanded back vide order dated 27.07.2024, by learned ASJ (SFTC) Dwarka Courts, as under:

“Perusal of the impugned order reveals that no such notification was produced before the Ld. Trial Court by the



petitioner during the framing of charge nor the Ld. Trial Court has made any observations with regard to that. In these circumstances, the present matter is remanded back to the Ld. Trial Court with the directions to pass a fresh order on framing of charge after hearing the accused as well as State and considering the abovesaid notification. The present revision petition is disposed off accordingly.”

It is also pointed out that an earlier CRL.M.C. 9206/2023 preferred on behalf of petitioner was withdrawn to take recourse to remedy of filing a revision petition.

3. Considering the fact and circumstances, this Court is of the considered opinion that the petitioner is required to avail the remedy by addressing arguments on the point of charge in first instance before the learned Trial Court in terms of order dated 27.07.2024 passed by the learned Revisional Court.

Petition is accordingly disposed of without prejudice to the rights and contentions of the parties on merits. Pending applications, if any, also stand disposed of.

ANOOP KUMAR MENDIRATTA, J.

SEPTEMBER 6, 2024

p