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

+ **CRL.REV.P. 1197/2024 & CRL.M.A. 29914/2024**

SURINDER SINGH & ORS.

.....Petitioners

Through: Mr. Prashant Bhardwaj, Mr. Aditya
Pratap Singh Mr. Rishi Bharadwaj &
Mr. Rahul Mehalwal, Advocates

versus

RATTAN PRAKASH

....Respondent

Through: None

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

% **04.10.2024**

CRL.M.A.-29913/2024

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

CRL.REV.P. 1197/2024

1. This petition is filed for setting aside impugned order dated 21st August 2024 passed by the ASJ South, Saket Court, New Delhi, which simpliciter relies on the finding arrived at by the Metropolitan Magistrate (“MM”) on a *prima-facie* basis that offence under Section 308 IPC was made out during pre-charge evidence led before the MM. Counsel for the petitioner states that the ASJ ought to have applied its judicial mind not to simply rely on findings of the MM on basis of pre-charge evidence. Further, there is no mention of application under Section 227 Cr.P.C. filed by petitioner on 15th November 2022, seeking his discharge.



2. Matter is accordingly remitted back to the ASJ to address these issues taken up by the petitioner, and give reasons for the conclusion it reaches.
3. The petition stands disposed of with these directions.
4. Pending application is rendered infructuous.
5. Order be uploaded on the website of this Court.

ANISH DAYAL, J

OCTOBER 4, 2024/sm