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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 8284/2024, CRL.M.As. 31678/2024 & 31679/2024**
ASHUTOSH PANDEY AND ANR.Petitioners
Through: None.

versus

THE STATE GOVT. OF NCT OF DELHI AND ANR.
.....Respondents
Through: Mr. Laksh Khanna, APP for State.
SI Pancham Kumar, PS Sadar Bazar.

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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21.10.2024

1. Present none for the petitioner. With the assistance of learned APP for the State, this Court has gone through the petition as well as the material placed alongwith it.
2. The present petition has been preferred under Section 528 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 read with Section 482 Cr.P.C., thereby seeking to assail order dated 19.09.2024 passed by learned Judicial Magistrate First Class-06, Central, Tis Hazari Courts, Delhi in context of proceedings arising out of FIR No. 0191/2009, registered under Sections 324/34 IPC and Sections 27/54/59 of Arms Act at P.S. Sadar Bazar, Delhi.
3. The petition is premised on the ground that on completion of the investigation, a closure report came to be filed, however, subsequently, on filing of a protest petition, the present petitioners were summoned. The petitioners thereafter approached the Revisional Court against the



summoning and the same is pending consideration. It is further noted that since there was no stay in the proceedings, the petitioners approached the Court of learned Judicial Magistrate with an application under Section 205 Cr.P.C. seeking exemption from personal appearance. In the said application, vide paragraph No. 4 thereof, the petitioners undertook to appear before the Court of learned Judicial Magistrate on each and every date of hearing unless exempted. Reading of the impugned order would indicate that the said application was not accompanied by any medical documents.

4. Considering that the revision is pending consideration including against the order dated 19.09.2024, the NBWs issued against the petitioners shall remain under abeyance. It shall be open to the applicants/petitioners to seek further directions on the aforesaid aspect from the Revisional Court, which shall consider the same in accordance with law.

5. With the above directions, the petition is disposed of alongwith miscellaneous applications.

6. A copy of this order be communicated to the Trial Court as well as Revisional Court.

7. Later, Mr. Bankey Bihari, learned counsel for the petitioners has appeared and has been apprised of the order passed today.

MANOJ KUMAR OHRI, J

OCTOBER 21, 2024

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