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

+ **CRL.REV.P. 868/2018 & CRL.M.A. 33575/2018**

SH. RAJBEER

.....Petitioner

Through: Mr. Davender Kumar, Mr. Mehul Gupta, Mr. Aslam Shah and Mr. Rajesh Gupta, Advocates.

versus

STATE (NCT OF DELHI) & ORS.

.....Respondents

Through: Mr. Shoaib Haider, APP for the State.
Mr. Anand Kumar Singh and Mr. Himanshu Singh Sagar, Advocates for R-2 to 7.
SI Paramjeet, PS Ranhola

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

29.08.2024

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1. The Petitioner has approached this Court challenging the Order dated 16.07.2018 passed by the learned Additional Sessions Judge, Tis Hazari Courts whereby charges under Section 323, 452, 325 & 34 IPC has been framed against the accused.
2. Learned Counsel for the Petitioner has drawn the attention of this Court to the MLC stating that the MLC shows that it is a case of physical assault and that the X-Ray shows that the injury on the left side of the scapula and the injury shown as grievous. He states that on this, MLC the charge should have been for Section 307 IPC and not under Section 325 IPC.
3. When this Court suggested to the learned Counsel for the Petitioner



that if during the course of the trial, it is made out that the injury is so serious that it can be considered as an attempt to murder, it is open for the Petitioner to move an application under Section 239 of the BNSS (Section 216 CrPC) for altering the charge, learned Counsel for the Petitioner states that he would withdraw the present petition with the aforesaid liberty.

4. Permission and liberty, as prayed for, is granted.

5. The petition is disposed of as withdrawn along with pending application(s), if any.

6. It is made clear that this Court has not made any observation on the merits of the case at this juncture.

SUBRAMONIUM PRASAD, J

AUGUST 29, 2024
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