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

+ CRL.REV.P. 74/2025

HARISH KUMAR VERMA AND ORSPetitioners

Through: Mr. Aaditya, Advocate.

versus

STATE GOVT. OF NCT OF DELHI AND ANR.Respondents

Through: Ms. Manjeet Arya, APP for the State
with SI Vijay Dahiya, P.S.: Parshant
Vihar.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

% **18.02.2025**

CRL.M.A. 5158/2025

Exemption granted, subject to just exceptions.

Let requisite compliances be made within 01 week.

The application stands disposed of.

CRL.M.A. 5159/2025

By way of the present application filed under section 5 of the Limitation Act 1963, the petitioners/applicants seek condonation of about 230 days' delay in *filing* the petition.

2. Though no cogent reason is discernable for delay from the application, however in view of the order this court proposes to pass on the merits of the petition, the application is allowed.
3. Delay in *filing* the petition is condoned.
4. CRL.REV.P. No.74/2025 is taken on Board.
5. The application stands disposed-of.



CRL.REV.P. 74/2025

6. By way of the present petition filed under sections 438/442 of the Bharatiya Nagarik Suraksha Sanhita 2023, the petitioners impugn order dated 06.04.2024 passed in case bearing SC No.129/2020, whereby the learned Sessions Court has discharged the petitioners for the offence under section 195-A of the Indian Penal Code 1860 ('IPC'), but while doing so has made the following observations :

*“Thus, without going into merits of allegations of threats, the said police official could not have taken cognizance for offence under Section 195A IPC and registered the FIR. Thus in the light of the aforesaid **discussion and law laid by Hon’ble Supreme Court**, accused **stand discharged for the offence under Section 194A IPC.***

*However, this court merely on this technicality, cannot shut its eyes to the statement of the complainant and other material on record which prima facie establish the factum of threat given by the accused. Thus, ingredients of offence under **Section 506 IPC** are clearly made out. However, offence under Section 506 IPC is exclusively triable by a Ld. Magistrate Court. Let the file be put up before the Ld. Principal District & Sessions Judge, North District, Rohini Courts for passing appropriate orders and sending the file to the concerned Ld. MM for its disposal in accordance with law.”*

(bold in original)

7. Mr. Aaditya, learned counsel appearing for the petitioners submits, that though the learned Sessions court is correct in having decided that the offence under section 195-A of the IPC was not made-out against the petitioners, however while remitting the matter to the learned Magistrate, the learned Sessions Court has erroneously



observed that the ingredients of the offence under section 506 IPC ‘are clearly made-out’.

8. Counsel points-out that in view of the said observation, the learned Magistrate to whom the matter now stand remitted is declining to give to the petitioners a hearing on whether or not the offence under section 506 IPC is made-out; and their contention to that effect is being rejected, with the learned Magistrate observing that that issue stands closed in view of the observations made by the learned Sessions Court.
9. Issue notice.
10. Ms. Manjeet Arya, learned APP appears on behalf of the State on advance copy; accepts notice; and leaves it to the court to pass appropriate orders.
11. Upon a consideration of the submissions made, and in particular in view of the observations made by the learned Sessions Court in the impugned order as extracted above, the matter is disposed-of with a direction to the learned Magistrate to bear in mind the provisions of section 228 of the Code of Criminal Procedure 1973, and since no charge has been *framed* against the petitioners by the learned Sessions Court, the learned Magistrate is directed to hear the petitioners on the point of charge before proceeding further with the matter.
12. Petition is disposed-of with the above observation.
13. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

FEBRUARY 18, 2025

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