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

+ CRL.M.C. 579/2018 & CRL.M.A. 2098/2018

CHINTRAM & ORS

.....Petitioners

Through: Ms.Namita Roy, Ms.Gopa Biswas,
Mr.Abhijit Acharya, Advocates.

versus

STATE & ANR

.....Respondents

Through: Mr. Utkarsh, APP for the State with SI
Vijay Pal Singh, P.S.CWC, Nanakpura.
Ms. Saptodwipa Sarkar, Advocate for R-
2.

+ CRL.M.C. 2971/2018 & CRL.M.A. 10495/2018

PRADEEP KUMAR

.....Petitioner

Through: Ms.Namita Roy, Ms.Gopa Biswas,
Mr.Abhijit Acharya, Advocates.

versus

STATE & ANR

.....Respondents

Through: Mr. Utkarsh, APP for the State with SI
Vijay Pal Singh, P.S.CWC, Nanakpura.
Ms. Saptodwipa Sarkar, Advocate for R-
2.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER
20.03.2025

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1. Application under Section 482 Cr.P.C has been filed to challenge the Order dated 13.11.2017 whereby the learned ASJ has remanded back the case for reconsideration of the Order dated 10.07.2017 of M.M wherein the Petitioners have been discharged.

2. Learned proxy on behalf of the Respondent submits that the counsel is busy in another Court and is not available.

3. In the impugned Order it is observed that certain material documents which have been annexed with the Chargesheet, had not been considered by the learned M.M while discharging the Petitioners and the matter was



remanded back to learned M.M for reconsideration. Once the documents and the Chargesheet was before the learned ASJ instead of remanding the case back for finding on the facts he should have proceeded in deciding the matter. This practice of remanding the cases back to the learned M.M for reconsideration, is not acceptable.

4. In the circumstances, impugned Order is set aside and is remanded back to learned ASJ to decide it on the basis of facts and in accordance with law, preferably within six months.

5. It is submitted on behalf of the Petitioners that the Petitioners are all based in U.S and may be exempted from physical appearance before the Court of learned ASJ. The Petitioners may move an appropriate Application before the learned ASJ to seek permission to join the proceedings either through VC or through the counsel.

6. The Petitions are disposed of. Parties are directed to appear before the learned ASJ on 05.04.2025.

NEENA BANSAL KRISHNA, J

MARCH 20, 2025

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