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

+ CRL.M.C. 3573/2024, CRL.M.A. 13721/2024 & CRL.M.A. 29936/2024

GAUTAM KUMAR

.....Petitioner

Through: Mr. Namit Saxena and Mr. Awnish Maithani, Advs.

versus

STATE OF NCT OF DELHI & ANR. & ORS.Respondents

Through: Mr. Utkarsh, APP for State with S.I. Swati, P.S. Saket, New Delhi.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

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22.01.2025

1. The present petition has been filed against the impugned order dated 15.04.2024 passed by the Principal District & Sessions Judge, South District, Saket Courts, New Delhi whereby the learned judge has set aside the order of the learned ACMM whereby the cognizance was taken and the matter was remanded with the following observations contained in para 16 the order, which reads as under:

“16. The matter is remanded back to the learned ACMM, South, Saket, with directions to pass a detailed order regarding taking of cognizance against the revisionists / accused persons signifying illustrations for the offences of which the cognizance has been taken, after considering the facts and circumstances of the case.”

2. The learned counsel appearing on behalf of the petitioner submits that the learned Principal District & Sessions Judge while remanding the matter has directed the future course of action to be followed by the learned Metropolitan Magistrate inasmuch as it has been directed that the learned



ACMM will pass a detailed order regarding taking of cognizance against the revisionist/accused persons signifying illustrations for the offences of which the cognizance has been taken, after considering the facts and circumstances of the case.

3. He submits that in terms of the decision of the Hon'ble Supreme Court in *Bhagwant Singh v. Commissioner of Police, (1985) 2 SCC 537*, three courses are open to the Magistrate after the chargesheet is filed i.e. he can accept the chargesheet, he can reject the chargesheet or he may order further investigation.

4. He submits that the learned Principal District & Sessions Judge ought not to have directed on the future course of action to be followed by the learned ACMM while reconsidering the matter after remand.

5. The learned APP appearing on behalf of the State, as well as, the learned counsel appearing on behalf of the complainant/respondent no.2 submit that they have no objection in case the impugned order passed by the learned Principal District & Sessions Judge is clarified.

6. In view of the above, it is directed that the learned ACMM will pass a detailed order on the aspect of cognizance in terms of the law laid down by the Hon'ble Supreme Court in *Bhagwant Singh (supra)* uninfluenced by the observations made in para 16 of the impugned order.

7. With the aforesaid clarification, the petition stands disposed of.

VIKAS MAHAJAN, J

JANUARY 22, 2025/aj