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IN THE HIGH COURT OF DELHI AT NEW DELHI
CRL.REV.P. 1018/2023, CRL.M.A. 26227/2023 &
CRL.M.A. 26229/2023

KUNAL

.....Petitioner

Through: Mr. Vikas Dudeja, Adv.

versus

THE STATE GOVERNMENT OF NCT OF DELHI &
ORS.

.....Respondents

Through: Mr. Raj Kumar, APP for
the State.
ASI Prakash Singh, PS
Karol Bagh.
Mr. H.L. Rai & Mr.
Avinash Kumar, Advs for
R-2 to R-4.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

10.12.2025

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1. This is a revision petition under Section 397 read with Section 401 of Cr.P.C., 1973 seeking setting aside of order on charge dated 01.04.2023 in case FIR No. 981/2022 under Section 323/341/34 the Indian Penal Code, 1860 ('IPC') registered at Police Station Karol Bagh, passed by learned ASJ, District Central, Tis Hazari Courts, whereby the charge was altered to Section 325 from Section 308 of IPC, 1860.
2. By the impugned order, the accused persons were discharged for offence under Section 308 of the IPC by the learned Trial Court taking note of the MLC of the petitioner/complainant.
3. The learned Trial Court noted that none of the injuries sustained can be said to be dangerous to life. Further, nature of the injuries sustained has been discussed in paragraph 10 of the impugned order.



4. The MLC of the petitioner/complainant is perused by this Court. The opinion given by the Doctor on 21.03.2023 indicates certain aspects which were not taken note by the learned Trial Court.
5. There is some dispute in regard to the fact whether the subsequent opinion dated 21.03.2023 was part of the learned Trial Court record and was placed before the learned court for consideration or not.
6. It is the case of the petitioner that even though the order passed by the learned Trial Court mentions that the Investigating Officer has filed the MLC after obtaining the opinion and the same is taken on record, however, the said MLC with the opinion of 21.03.2023 was never brought on record and was only subsequently filed pursuant to the application filed by the petitioner for further investigation.
7. This Court does not consider it apposite to adjudicate the said aspect when paragraph 10 of the impugned order which specifically deals with the injuries caused as per the MLC clearly reflects that the opinion on the MLC dated 21.03.2023 was not taken note by the learned Trial Court.
8. In view of the above, the impugned order dated 01.04.2023 is set aside and the learned Trial Court is directed to pass a fresh order after hearing the parties.
9. The petition is disposed of in the aforesaid terms.
10. Pending applications also stand disposed of.

AMIT MAHAJAN, J

DECEMBER 10, 2025
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