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

+ **CRL.M.C. 5957/2025 & CRL.M.As. 25375/2025, 25376/2025**

VINOD RAJORIA

.....Petitioner

Through: Mr. Rajesh Yadav, Senior Advocate
with Mr. Gaurav Kakar, Mr.
Dhananjay Mehlawat and Mr.
Lakshay Raheja, Advocates.

versus

STATE NCT OF DELHI AND ANR

.....Respondents

Through: Mr. Mukesh Kumar, APP for State.
SI Ashutosh Mishra, P.S. Mehrauli,
Delhi.
Ms. Kritika Gupta, Advocate for R-2.

+ **CRL.M.C. 5956/2025 & CRL.M.As. 25373/2025, 25374/2025**

VINOD RAJORIA

.....Petitioner

Through: Mr. Rajesh Yadav, Senior Advocate
with Mr. Gaurav Kakar, Mr.
Dhananjay Mehlawat and Mr.
Lakshay Raheja, Advocates.

versus

STATE NCT OF DELHI AND ANR

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Through: Mr. Mukesh Kumar, APP for State.
Ms. Kritika Gupta, Advocate for R-2.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

26.08.2025

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1. On a complaint filed by the Delhi Development Authority¹, FIR No. 1941/2014 [subject matter of CRL.M.C. 5957/2025] and FIR No. 867/2014

¹ "DDA"



[subject matter of CRL.M.C. 5956/2025] were registered. Upon completion of investigation, the State filed a ‘cancellation’ report under Section 173 of the Code of Criminal Procedure, 1973². Aggrieved thereby, the DDA filed protest petition in the proceedings arising out of the two FIRs. Both proceedings were heard and decided by two separate orders on 8th July, 2022, passed by ACMM, South District, New Delhi, whereby the ‘cancellation’ report was accepted, and the protest petition was dismissed.

2. The DDA preferred two separate revision petitions against the said orders. By two separate orders dated 27th March, 2025, the Principal District and Sessions Judge, South District, Saket Courts, New Delhi, set aside the orders dated 8th July, 2022. Consequently, in terms of the Sessions Court’s order, the ‘cancellation’ report filed by the State stood set aside and the protest petition filed by the DDA was allowed. Thereafter, the concerned Magistrate took cognizance of the matter and issued summons.

3. In the present proceedings, amongst other grounds, it is argued that in the revision proceedings before the Sessions Court, the proposed accused were not afforded any opportunity of hearing, which is contended to be in violation of Sections 399 and 401(2) of the CrPC. Reliance is placed on the judgment of the full bench of the High Court of Judicature at Allahabad in ***Jagannath Verma & Ors v. State of U.P. & Anr.***³ in support of this contention.

4. The above proposition is not controverted by counsel for the DDA.

5. In light of the admitted position that no opportunity of hearing was granted to the proposed accused at the stage of revision, the impugned

² “CrPC

³ 2014 (6) CTC 353.



orders cannot be sustained.

6. Accordingly, without entering into the merits of the case, the impugned orders dated 27th March, 2025 are set aside, and the revision petitions are restored to their original numbers.

7. The Petitioners as well as the DDA shall appear before the Sessions Court on 10th September, 2025.

8. The Sessions Court shall now pass a fresh order after affording an opportunity of hearing to the Petitioners, in accordance with law.

9. It is clarified that the Sessions Court shall not be influenced by any observations made in the impugned orders. It is further clarified that this Court has not expressed any opinion on the merits of the matter, since no submissions on merits have been advanced by either side.

10. Consequently, the orders dated 4th June, 2025, passed by the Magistrate issuing summons, are also set aside.

11. All rights and contentions of the parties are left open.

12. With the above directions, the present petitions are disposed of along with the pending applications.

SANJEEV NARULA, J

AUGUST 26, 2025

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