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

+ **CRL.M.C. 1436/2026 & CRL.M.A. 5774/2026**

YOGENDER CHANDOLIA

.....Petitioner

Through: Mr. Sumeet Pushkarna, Senior Advocate with Mr. Pritish Sabharwal, Mr. Sanjeet Kumar and Mr. Shiv Chopra, Advs.

versus

STATE GOVT. OF NCT OF DELHI AND ANRRespondents

Through: Mr. Manoj Pant, APP for State with Mr. Divyang Kishwan, Advocate.

CORAM:

HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

ORDER

24.04.2026

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1. By way of the present petition, the petitioner seeks setting aside of the order dated 18.10.2025, passed by the learned Special Judge (PC Act), Rouse Avenue Courts, New Delhi [hereafter '*Sessions Court*'] whereby the order dated 03.05.2025 passed by the learned ACJM-03, Rouse Avenue Courts, New Delhi [hereafter '*Trial Court*'] directing framing of charges under Sections 353/356/341/34 of the Indian Penal Code, 1860 (hereafter '*IPC*') was affirmed.

2. At the outset, the learned senior counsel appearing for the petitioner submits that the matter may be remanded back, limited to the extent of considering the judgment passed by the Hon'ble Supreme Court in Special Leave Petition (Criminal) No. 12373 of 2025, reported as ***Devendra Kumar***



v. State (NCT of Delhi) & Anr.: 2025 SCC OnLine SC 175, and deciding the case in view of the said judgment.

3. The learned APP appearing for the State submits that he has no objection to the aforesaid prayer made on behalf of the petitioner.

4. After hearing arguments addressed on behalf of the petitioner as well as the State, this Court directs that the matter be remanded back to the learned Trial Court for passing an order on charge afresh after hearing the accused and the State; *however*, it is clarified that the learned Trial Court shall limit its consideration only to the judgment passed by the Hon'ble Supreme Court in **Devendra Kumar v. State (NCT of Delhi) & Anr.** (*supra*) and shall not reopen any other issue already decided in the case, as desired and urged by the learned Senior counsel for the petitioner. The learned Trial Court is requested to decide the matter within a period of one month from the date of receipt of this order.

5. With these directions, the present petition along with the pending application stands disposed of.

6. It is clarified that in case the petitioner is aggrieved by the order to be passed by the learned Trial Court, he shall be at liberty to urge the grounds raised in the present petition in accordance with law.

7. The order be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

APRIL 24, 2026/vc/TD