

Vijay Kumar Agarwal vs.the State

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Court : Delhi

Decided On : Feb-27-2018

Appellant : Vijay Kumar Agarwal

Respondent : The State

Judgement :

\$~11 * IN THE HIGH COURT OF DELHI AT NEW DELHI % + Judgment delivered on:

27. 02.2018 CRL.M.C. 1311/2014 VIJAY KUMAR AGARWAL versus THE STATE
Advocates who appeared in this case:

... Petitioner

..... Respondent For the

... Petitioner

For the

... RESPONDENTS

: :

... Petitioner

in person. Ms. Anita Abraham, Addl. PP for the State CORAM:-

(ORAL) 1. The petitioner is aggrieved by the order dated 07.10.2013 whereby the Revisional Court has dismissed the revision petition filed by the petitioner impugning order dated 11.12.2012 of the trial court rejecting the application under Section 207 of the Cr. P.C. as well as framing charges against the petitioner under Section 448/457/380/341 IPC.

2. The petitioner who appears in person submits that the petitioner by his revision petition had challenged the order of the trial court on two counts; one non supply of English translation of the chargesheet and second CRL.M.C. 1311/2014 Page 1 of 3 framing of charge. The petitioner contends that the Revisional Court has erred in not noticing that by the order impugned charges had been framed. It is pointed out that the order of the Revisional Court dated 07.10.2013 specifically records that till the said date, the trial court could not pass order on charge.

3. The petitioner restricts his submission to the challenge to that part of the order whereby the Revisional Court erred in holding that charges had not been framed and did not consider his Petition impugning framing of charges.

4. Perusal of the impugned order of the Revisional Court shows that the Revisional Court erred in not noticing that by the order dated 11.12.2012 charges have been framed and even that part of the order was under challenge. The revision petition filed by the petitioner before the Additional Sessions Judge, copy of which has been placed on record, shows that the petitioner has, in the prayer clause, challenged both the aspects of the order dated 11.12.2012 i.e. rejection of the application dated 11.12.2012 for supply of documents and framing of charges against the petitioner.

5. Since the Revisional Court erred in not noticing that the challenge was also to the order framing charges, rejection of the revision petition on the ground that charge has not been framed was unwarranted.

6. Keeping in view the above facts and circumstances, I am of the view that the impugned order is liable to be set aside to the said limited extent and one opportunity should be granted to the petitioner to make submissions before the Revisional Court with respect to his challenge to the CRL.M.C. 1311/2014 Page 2 of 3 order framing charges against the petitioner.

7. In view of the above, the petition is allowed to the said limited extent. The revision petition filed by the petitioner is restored, however restricted to the challenge qua framing of charges.

8. The Revisional Court shall grant one opportunity to the petitioner to make submissions on the issue with regard to framing of charges against the petitioner. In so far as the challenge to the impugned order qua rejection of the application dated 11.12.2012 for supply of deficient documents is concerned, the petition is dismissed to the said extent. The cost imposed by the impugned order dated 07.10.2013 is also set aside.

9. List the matter, on 20.03.2018, before the concerned Revisional Court /successor court for directions for fixing a date of hearing. It is clarified that there is no interdict on the trial, which is stated to be continuing.

10. It is clarified that this court has not expressed any opinion on merits of the case of either party and all contentions are reserved.

11. Order Dasti under signatures of Court Master. FEBRUARY27 2018 rs SANJEEV SACHDEVA, J CRL.M.C. 1311/2014 Page 3 of 3

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