

Pardeep Kumar vs.state

Pardeep Kumar vs.state

SooperKanoon Citation : sooperkanoon.com/1220587

Court : Delhi

Decided On : Jan-14-2019

Appellant : Pardeep Kumar

Respondent : State

Judgement :

\$~22 * IN THE HIGH COURT OF DELHI AT NEW DELHI % + Judgment delivered on:

14. 01.2019 CRL.REV.P. 230/2018 & Crl. M.A. 4982/2018 & Crl. M. (Bail) 1852/2018 PARDEEP KUMAR STATE versus

... Petitioner

..... Respondent Advocates who appeared in this case: For the

... Petitioner

: Mr. K.Singhal and Ms.Shilpa Goel, Advs. For the Respondent : Mr. Hirein Sharma, Addl. PP for the State with SI Manoj, P.S.Alipur. Mr.Saurabh Sharma, Adv. for Suman, Noticee. Mr.Rambir Singh, Adv. for Ranbir Khatri/R-2. Noticee Sahab Singh and Balwan Singh in person. CORAM:-

"HONBLE MR JUSTICE SANJEEV SACHDEVA JUDGMENT1401.2019
SANJEEV SACHDEVA, J.

(ORAL) 1.

... Petitioner

impugns order dated 06.03.2018 whereby the Trial Court has dismissed the application of the petitioner under Section 319 Cr.P.C.

2. Subject application under Section 319 Cr.P.C was filed by the petitioner/accused seeking a direction to the Trial Court to proceed CRL. REV. P. 230/2018 Page 1 of 4 against Ranbir Khatri, Suman, Sahab Singh and Balwan Singh.

3. Learned counsel for the petitioner contends that there is sufficient evidence available on record to show that the afore referred persons had committed the offence.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated and is innocent.

5. Learned counsel for the petitioner submits that the deceased had lodged several complaints with police authorities complaining that she had fear for her life from Ranbir Khatri. Learned counsel further submits that there was a dispute between the deceased and Ranbir Khatri and the deceased had even made a complaint accusing Ranbir Khatri of committing the offence of murder of her son on which an FIR was registered.

6. Further it is contended that there was connivance between the police officers as well as Ranbir Khatri and after the demise of the deceased subject FIR has been closed. Further it is contended that Ranbir Khatri is a direct beneficiary of the estate of one of the deceased.

7. Learned counsel for the petitioner further inter-alia submits that the impugned order is very cryptic and has not dealt with any of the material on record. CRL. REV. P. 230/2018 Page 2 of 4 8. Notice was issued in this petition to the proposed parties against whom allegations were made by the petitioner.

9. Learned counsel appearing for the noticees submit that false allegations are being levelled against them and there is no material on record pointing a finger

towards them. Further they submit that the complaints relied on by learned counsel for the petitioner have not been proved in accordance with law.

10. The case is at the stage of final hearing. Perusal of the impugned order shows that the Trial Court has not examined the evidence that has come on record to ascertain as to whether any of the averments made by the petitioner are borne out or not.

11. The order is very cryptic and does not advert to any of the allegations raised or submissions made.

12. Keeping in view the fact that the petition is at the stage of final hearing before the Trial Court and the prosecution as well as defence evidence is over and the fact that the order is cryptic, I am of the view that the Trial Court should have a relook at the evidence and to ascertain as to whether any ground is made out under Section 319 Cr.P.C to summon any person other than the ones who are already accused of the subject offence.

13. Keeping in view the totality of facts and circumstances, the impugned order dated 06.03.2018 is set aside. The Trial Court, at the CRL. REV. P. 230/2018 Page 3 of 4 stage of hearing final arguments, would be free to consider the entire issue and ascertain as to whether any case is made out to summon any person other than the accused. Needless to state that if it appears to the Trial Court, from the evidence on record, that any person other than the petitioner has committed the offence, Trial Court would proceed further in accordance with law against such person(s).

14. It is clarified that this Court has not expressed any opinion on the merits of the defence of the petitioner or the allegations of the prosecution against the petitioner.

15. The petition is disposed of in the above terms.

16. Interim order dated 10.04.2018 is vacated.

17. Order Dasti under signatures of the Court Master. JANUARY14 2019 rk
SANJEEV SACHDEVA, J CRL. REV. P. 230/2018 Page 4 of 4

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com