

(2004) 08 DEL CK 0050

In the Delhi High Court

Case No : Criminal Revision Petition No. 442 of 2004

Om Prakash Miglani and Another

APPELLANT

Vs

State

RESPONDENT

Date of Decision : 10-08-2004

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 209, 397, 401, 482
Penal Code, 1860 (IPC) — Section 186, 333, 34, 353

Citation : (2004) 113 DLT 337

Hon'ble Judges : Surinder Kumar Aggarwal, J

Bench : Single Bench

Advocate : Siddharth Luthra and Rajat Bali, for the Appellant; V.K. Malik, for the Respondent

Judgement

S.K. Agarwal, J.

Crl. Revision Petition 442 of 2004 & Crl. M. 6448 & 6450 of 2004:

1. By this petition under Sections 397/401 read with Section 482, Cr.P.C petitioner is challenging the order dated 15.12.2003, passed by the Court of learned ACMM, Karkardooma, Delhi, framing charges against the petitioner for the offences under Sections 186/333/353/34, IPC. Learned Counsel for the petitioners argued that the charge u/s 333, IPC, of voluntarily causing grievous hurt to deter public servant from his duty provides for punishment with imprisonment of either description for a term which may extend to ten years, is exclusively triable by the Court of Sessions and the learned ACMM ought to have committed the case to the Court of Sessions u/s 209, Cr.P.C. Learned APP for the State does not contest the above legal position.

2. In view of the above, order dated 15.12.2003 is set aside and the learned ACMM is directed to commit the case to the Court of Sessions. The learned Additional Sessions Judge shall hear the matter afresh and pass appropriate orders in accordance with law.

3. Any observations made herein would not affect the merits of the case during trial.

Petition stands disposal of. dusty.