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

+ CRL.A. 307/2017

STATE (NCT OF DELHI)

... Appellant

Represented by: Mr.Rajesh Mahajan, ASC

versus

SUNIL RATHI & ORS.

... Respondents

Represented by: Mr.Ashutosh Bhardwaj,
Advocate for respondent No.1
Ms.Prayanka Singh, Advocate
for respondents No.4 & 5

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

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19.03.2018

Learned counsel for the State submits that the respondents have been discharged primarily on two counts, firstly that there were less than two charge sheets against the syndicate in Delhi as against six charge sheets in U.P. which issue has been answered by the Supreme Court in Criminal Appeal No.1750 of 2017 titled State (NCT of Delhi) Vs. Brijesh Singh @ Arun Kumar & Anr. reversing the decision of this Court in State Vs. Brijesh Singh @ Arun Kumar & Ors. (2015) SCC Del 8776 and the second issue is also covered by the decision of this Court in Narender Kumar Vs. State of Delhi reported as 185 (2011) DLT 620 which notes that the requirement of two or more charge sheets is qua the syndicate and not the individual members of the syndicate.

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Though learned counsel for respondent No.1 and respondents No.4 and 5 are present, however, none appears for respondents No.2 and 3. Respondents No.2 and 3 were produced before this Court from Judicial Custody from Patiala Jail, where they are lodged, on 19th July, 2017.

Respondents No.2 and 3 are directed to be produced before this Court by Superintendent, District Jail Patiala on the next date of hearing, i.e. 3rd May, 2018.

MUKTA GUPTA, J.

MARCH 19, 2018
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