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

+ CRL.M.C. 9695/2024

DINESH MOHANIYA

.....Petitioner

Through: Mr. Hemant Kumar and Mr.
Bhavishya Mohaniya, Advs.

versus

STATE GOVT. OF NCT OF DELHI

.....Respondent

Through: Mr. Nawal Kishore Jha, APP for State
with SI Arvind Kumar, PS. Sangam
Vihar.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

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15.01.2025

CRL.M.A. 37198/2024 (exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

CRL.M.C. 9695/2024

3. The present petition has been filed against the impugned order dated 18.12.2023 passed by the Court of learned District Judge (Commercial Courts-02), South-West, Dwarka Courts (earlier posted as learned Special Judge (PC Act), CBI-23, Rouse Avenue District Court, New Delhi) in CRL. REV.No.58 of 2023, whereby the judgment dated 30.06.2023 convicting the petitioner for an offence under Sections 323/34 IPC and the order dated 14.09.2023 admonishing the petitioner, was upheld.
4. The learned counsel for the petitioner submits that the learned Trial Court, as well as, the learned Revisional Court has incorrectly interpreted the testimonies of the witnesses which do not attribute any criminality to the



petitioner.

5. He further submits that the identification of the petitioner is also under cloud, in as much as, none of the witnesses have consistently affirmed the presence of the petitioner.

6. In view of the above, issue notice. The learned APP for the State accepts notice.

7. The Registry is directed to requisition the learned Trial Court Record in the digitized format before the next date.

8. List on 23.04.2025.

CRL.M.A. 37197/2024 (stay)

9. Issue notice. The learned APP for the State accepts notice.

10. List on 23.04.2025.

VIKAS MAHAJAN, J

JANUARY 15, 2025/dss