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

+ **W.P.(CRL) 441/2025 & CRL.M.A. 3986/2025**

RAVI KUMAR

.....Petitioner

Through: Mr. Harshvardhan Sharma and Mr.
Jai Bhagwan Das, Advs.

versus

STATE OF NCT DELHI & ANR.

.....Respondents

Through: Mr. Yasir Rauf Ansari, ASC for State
with Mr. Alok Sharma, Mr. Amit
Sahni and Mr. Vasu Agarwal, Advs.
with SI Vimal Yadav PS S.J. Enclave

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

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10.02.2025

CRL.M.A. 3987/2025 (delay)

1. For the reasons mentioned in the application, the delay of 148 days in re-filing the petition is condoned.
2. The application stands disposed of.

W.P.(CRL) 441/2025

3. The present petition has been filed against the impugned judgment dated 25.05.2019 passed by the learned ASJ, South District, Saket whereby the sentence imposed on the present petitioner by the plea-bargaining Court *vide* order dated 16.01.2017 was set aside and the learned Trial Court was directed to hear the accused/petitioner Ravi Kumar afresh on the point of



sentence and pass appropriate orders in accordance with law.

4. The learned counsel appearing on behalf of the petitioner submits that the impugned order shows non-application of mind in as much as petitioner's plea-bargaining was accepted by the learned Metropolitan Magistrate-06, South, Saket Court, New Delhi *vide* order dated 16.01.2017 and the petitioner was sentenced to fine of Rs.5,000/- for the offence under Section 33 of Delhi Excise Act and to undergo simple imprisonment for 10 days.

5. He submits that subsequent thereto, the petitioner had served the sentence of 10 days so imposed by the learned Metropolitan Magistrate.

6. He submits that similar application for plea-bargaining was moved by the co-accused namely, Brijesh Lalwani, which was dismissed.

7. He submits that the said co-accused was subsequently acquitted on merits. Against the said acquittal, the State preferred an appeal before the learned Additional Sessions Judge, South District, Saket who *vide* impugned order dated 25.05.2019 also set aside the sentence imposed on the petitioner by the plea-bargaining Court and directed to hear present petitioner on the point of sentence.

8. He submits that once the plea-bargaining of the petitioner had been accepted there was no occasion for the learned ASJ to set aside the same.

9. In view of the above, issue notice.

10. Learned Additional Standing Counsel appearing on behalf of the State accepts notice. He submits that the present petition suffers from delay and latches in as much as the impugned order is of 25.05.2019 whereas the petition has been filed only in the month of January, 2025.

11. Let status report be filed before the next date.



12. The Registry is directed to requisition the Trial Court Record in digitized form before the next date.

13. Re-notify on 03.03.2025.

VIKAS MAHAJAN, J

FEBRUARY 10, 2025

N.S. ASWAL