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

+ CRL.REV.P. 573/2018 & CrI.M.A. No. 12308/2018

ROHIT & ANR

..... Petitioners

Through: Mr.Rakesh Kumar Dudeja and Mr.
Khawar Saleem, Advs.

versus

THE STATE (NCT OF DELHI)

..... Respondent

Through: Ms.Meenakshi Dahiya, APP for State
Mr.K.K. Bharti, Adv. for complainant
SI Harinder Singh, PS Mundka.

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

% **22.02.2019**

1. Petitioner impugns order dated 28.04.2018 whereby the Trial Court has framed charge against the petitioner under Sections 451/323/34 IPC and Section 3(i)(r) and (s) and Section 3(ii)(va) of Scheduled Castes and Scheduled Tribes of prevention of Atrocities Act.

2. Learned counsel for the petitioners submits that petitioner is impugning the framing of charge under the SC & ST Act and as far as offences under sections of IPC are concerned, though petitioner denies the allegations but would be facing the trial.

3. Counsel relies on the judgment of three bench judges of this Court in *Daya Bhatnagar vs. State (2004) 109 DLT 915* wherein on a difference of opinion as to the meaning of word 'public view' case was referred to a third Judge. The third judge has is agreed with a view of

one of the judges and held that the expression “public view” has to be interpreted to mean that the public persons present should be independent and impartial and not interested in any of the parties i.e. persons having any kind of close relationship or association with the complainant would necessarily gets excluded.

4. Learned counsel for the petitioners submits that since only close family members of the complainant were stated to be present, the alleged utterances of the said words would not constitute an offence.

5. Learned counsel appearing for the respondent prays for some time to make submissions.

6. At request, renotify on 13th March, 2019.

7. Interim order to continue till the next date of hearing.

SANJEEV SACHDEVA, J.

FEBRUARY 22, 2019

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