

Hans Raj Hans vs Manish Sisodia & Ors on 5 January, 2023

Author: Dinesh Kumar Sharma

Bench: Dinesh Kumar Sharma

\$~40 & 41

* IN THE HIGH COURT OF DELHI AT NEW DELHI
+ CRL.M.C. 56/2023
HANS RAJ HANS

..... Petiti
Through: Mr. Kirti Uppal, Sr. Advocate
Mr. Aman Jha, Mr. Neeraj, Mr.
Tiwari, Mr. Himanshu Bidhuri,
Mr. Chandan Sinha, Mr. Sahaj G
Mr. Satya Ranjan and Mr. Shime
Mukherjee, Advocates.

versus

MANISH SISODIA & ORS.

..... Respon
Through: Mr. Rishikesh Kumar, ASC, GNCT
with Mr. Muhammad Zaid,
Mr. Sudhir Kumar Shukla and
Ms. Sheenu Priya, Advocates.

+ CRL.M.C. 57/2023
MANJINDER SINGH SIRSA

..... Petiti
Through: Mr. Pawan Narang with
Mr. Aman Jha, Mr. Neeraj, Mr.
Tiwari, Mr. Himanshu Sethi,
Mr. Sahaj Garg, Mr. Shrey Shar
Mr. Rishi Tutu and Ms. Aaishwa
Chhabra, Advocates.

versus

MANISH SISODIA & ORS.

..... Respon
Through: Mr. Rishikesh Kumar, ASC, GNCT
with Mr. Muhammad Zaid,
Mr. Sudhir Kumar Shukla and
Ms. Sheenu Priya, Advocates.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA
ORDER

% 05.01.2023 Crl.M.A.194/2023 (exemption) in CRL.M.C. 56/2023 Crl.M.A.196/2023 (exemption)
in CRL.M.C. 57/2023 Exemptions allowed subject to all just exceptions.

CRL.M.C. 56/2023 & CRL.M.C. 57/2023

1. Present petitions have been filed challenging the summoning order dated 28.11.2019 whereby the
learned ACMM has passed the summoning order against 6 persons including the present petitioners

herein. Learned ACMM has summoned the petitioners namely - Hans Raj Hans for the offences under Section 500 of IPC read with Section 34 of IPC and Majinder Singh Sirsa under Section 500 IPC.

2. Sh. Kirti Uppal, learned senior counsel for Hans Raj Hans and Sh. Pawan Narang, learned counsel for Majinder Singh Sirsa submit that against the same order one of the summoned person namely Vijender Gupta had invoked the jurisdiction of the Hon'ble Supreme Court by filing Criminal Appeal No.1791/2022 and Hon'ble Supreme Court in the said case vide order dated 17.10.2022 had set aside the order of summoning dated 28.11.2019 qua Sh. Vijender Gupta. Learned senior counsel for the petitioner has fairly submitted that the petition filed by one of the summoned person namely Sh. Manoj Tiwari arising out of SLP (Crl.) No.351/2021 was dismissed. However, it has been submitted that this appeal was on the limited point on interplay of Section 199(2) and Section 199(6) Cr.P.C.

3. Learned senior counsel for the petitioner submitted that the present petitioners after the summoning orders, filed an application for discharge before the learned ACMM, however, their plea for discharge has been dismissed by the learned ACMM vide order dated 23.12.2022. It has been submitted that since qua one of the summoned persons namely Sh. Vijender Gupta, Hon'ble Supreme Court has returned a finding that his tweet does not amount to defamation, the case against the present petitioners also needs deliberation/re-examination.

4. Issue notice. Mr. Rishikesh Kumar, learned counsel accepts notice on behalf of respondent.

5. List on 10th March, 2023.

Crl.M.A.193/2023 (stay) & Crl.M.A.195/2023 (stay)

6. Sh. Kirti Uppal, learned senior counsel for the petitioner and Sh. Pawan Narang, learned counsel for the petitioner have submitted that the case is fixed for tomorrow before the learned ACMM for framing of notice. It has been submitted that till next date the proceedings before the learned ACMM may be stayed.

7. Issue notice. Mr. Rishikesh Kumar, learned Counsel accepts notice on behalf of respondent.

8. Learned counsel for the respondent has submitted that they shall file reply to the stay application.

9. Let reply be filed before the next date of hearing with advance copy to the other side.

10. List on 10th March, 2023.

11. In the meantime, the proceedings before the learned ACMM shall remain stayed qua the present petitioners till the next date of hearing.

12. Copy of this Order be sent through electronic mode to learned ACMM - 1, Rouse Avenue Court Complex, New Delhi.

DINESH KUMAR SHARMA, J JANUARY 5, 2023 st