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

CNR No. DLHC010362362026

+ **W.P.(CRL) 2372/2026**

AVINASH GUPTA

.....Petitioner

Through: Mr. Ramesh Gupta, Sr. Adv. with
Mr. Shailendrda Singh and Mr.
Ishaan Jain, Advs.

versus

STATE AND ANR

.....Respondents

Through: Ms.Rupali Bandhopadhy, ASC for
the State with SI Naveen Kumar,
PS Mehrauli

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

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07.08.2026

CRL.M.A. 24010/2026 (for exemption)

1. Allowed, subject to all just exceptions.
2. The application is disposed of.

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3. By virtue of the present petition under Articles 226/227 of the Constitution of India read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the petitioner seeks following reliefs:-

“a. Issue a writ in the nature of Certiorari for quashing the order dated 11.07.2026 passed by Ld. JMFC-05, South District, Saket Court Complex, New Delhi in FIR No. 348/2026, registered at P.S. Mehrauli; and/or



b. Issue a writ of Mandamus directing Respondents to ensure production of the Petitioner via Video Conferencing; and/ or

c. Direct and allow the Petitioner to be produced via video conferencing by the jail authorities instead of physically on routine/interlocutory dates, and his physical appearance is not required statutorily or procedurally; and/ or

d. Pass any other and further order(s) and direction(s) as this Hon'ble Court may deem fit in the facts and circumstances of the case and in the interest of justice."

4. At the outset, this Court finds that the petitioner's earlier application seeking his production through video conferencing was dismissed by the learned Trial Court for the following reasons: -

"It has been argued by the Ld. Counsel for the accused persons that the accused persons are about 57 years and 44 years of age, have lost considerable weight, feels uncomfortable while travelling in the prison van and is suffering from various ailments. However, except for these assertions, no material has been placed on record to substantiate the same. No medical document has been filed to show that the accused is suffering from any ailment which prevents their physical production before the Court. Even the plea regarding discomfort in travelling by prison van is vague and does not disclose the nature of the difficulty or the reasons which make their physical appearance before the Court impracticable.

This Court has also considered the Hon'ble Delhi High Court Rules relating to hearings through video conferencing. Though the Rules permit production of undertrial prisoners through video conferencing in appropriate cases, such production cannot be claimed as a matter of right. The Court is required to examine whether the facts of the particular case justify such a course.



In the present case, no exceptional circumstance have been shown to warrant production of the accused persons through video conferencing. The reasons as argued as well as assigned in the application are general in nature and remain unsupported by any document or other material. In these circumstances, this Court does not find any sufficient ground to permit the accused to appear through video conferencing.”

5. Before this Court also, learned senior counsel seeks to agitate the very same issues and has once again placed reliance upon the *clause 16* of the Notification dated 04.07.2025 issued by this Court governing “*Electronic Evidence and Video Conferencing Rules, 2025*”, which is reproduced as under: -

“16. Remand.-

The Court may authorize detention in judicial custody, of any person accused of an offence, by video conferencing or other modes of audio-visual electronic communication as per the provisions of Section 187 BNSS:

Provided that if the accused is already in judicial custody, whether of the same Court or some other Court or is undergoing sentence, the Court may further remand him during inquiry or trial under section 346(2) of the BNSS through video conferencing or other modes of audio-visual electronic communication.”

6. A bare perusal of the aforesaid Notification reveals that there is no strait jacket rule for production of the accused persons through video conferencing inasmuch as it is the discretion of the Court that it “*may*” under the given facts and circumstances of a given case choose to dispense with the physical hearing of an accused.

7. As evident from the impugned order under challenge, this Court finds that the learned Trial Court has explicitly, after setting out the



reasons therein, not allowed the request of the petitioner herein.

8. In fact, *Rule 1356* of the Delhi Prison Rules, 2018 (***DP Rules***) mandates an under-trial prisoner to be produced *in person* before the Court on the due date of hearing. Not only that, *Rule 1358* of the very same DP Rules further gives a little concession in cases of sick prisoners prescribes as under: -

“Sick Prisoners

1358. If an under trial prisoner is sick and the Medical Officer certifies the prisoners inability to attend the court, he should not be produced before the court. In such an event, the medical certificate should be forwarded to the court.”

9. As such, considering the aforesaid as also since no medical document has been furnished by the petitioner regarding his health, either before the learned Trial Court or before this Court, this Court sees no reason for interference with the impugned order.

10. Accordingly, the present petition is dismissed *in limine*.

SAURABH BANERJEE, J

AUGUST 7, 2026/rr