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

Judgment delivered on: 24th August, 2015

+ **CRL.M.C. No.3424/2015**

ANIL KUMAR VASHISHTHA Petitioner
Represented by: Mr.Brijesh Sharma, Adv

versus

STATE AND ORS Respondents
Represented by: Mr.Hirein Sharma, APP for
the State.

CORAM:
HON'BLE MR. JUSTICE SURESH KAIT

SURESH KAIT, J. (Oral)

Crl.M.A.12232/2015 for exemption

Exemptions allowed, subject to all just exceptions.

Accordingly, the application is allowed.

CRL.M.C. 3424/2015

1. Vide the present petition, petitioner seeks direction thereby directing expeditious trial in case FIR No.168/2000 registered with police station Khurja, UP now pending before the Court of learned Metropolitan Magistrate, Dwarka Courts, New Delhi against respondent Nos.2 to 6.

2. The aforesaid case was registered at police station Khurja, UP and thereafter, vide order dated 29.08.2002 passed by the Supreme Court had transferred the case to Delhi courts, however since then despite the charge

sheet filed in the Court, even the charges have not been framed against respondent Nos.2 to 6/accused persons.

3. Copies of order sheets reveal that most of the accused persons on almost every date of hearing have moved exemption application from personal appearance and same were allowed by the Trial Court. Vide order dated 24.04.2014, learned MM has passed the following order:-

“A personal exemption application has been filed on behalf of accused Srinivas Dixit, Kamlesh, Lata, Pintoo and Retu. Application perused. Submissions heard. Ld. Proxy counsel for accused persons submitted that all documents have been received by accused persons. Matter is of 2000 and till date charge has not been framed in this matter, therefore, personal exemption of all accused persons is allowed for today only subject to adjournment cost of Rs.500/- on each accused and with condition that all accused will appear in person on NDOH. No communication is received from concerned DM District Bullandshehar regarding verification as to what steps have been taken by the concerned department of the State of UP for prosecution of this case therefore, issue court notice to DM of District Bullandshehar to appear in person. This case is of UP and was transferred to Delhi by order of Hon’ble Supreme Court of India on 29.08.2002, but no one is representing State of UP in this matter. In addition to this, intimation be sent to Directorate of Prosecution, UP at Laxmi Complex, Vibhuti Khand, Gomti Nagar, Lucknow, UP for representing this case from State of UP side. Be put for appearance of accused persons as well as appearance of DM Bullandshehar and reply of Directorate of Prosecution UP on 08.07.2014.”

4. Despite the directions noted above passed by the Trial Court, on the next date of hearing, an exemption application from personal appearance

was filed on behalf of accused Kamlesh and Pradeep and the same was allowed. Even thereafter, on each and every date, the accused persons moved the exemption application from appearance and same were allowed. However, at some point of time with costs, but the disturbing fact remains is that learned Trial Court has not proceeded further in the matter.

5. It is a matter of record that the present case is of the year 2000 registered at police station Khurja, UP and thereafter transferred to Delhi Courts with the expectation that Delhi Courts will decide it expeditiously, but that expectation has totally failed.

6. Keeping in view the averments made in the instant petition, I hereby direct the Trial Court not to give any exemption to any of the accused persons on any grounds whatsoever barring in a very strong exigency that too only after framing of charges. Therefore, prior to framing of charges, no exemption will be granted to respondent Nos.2 to 6 and arguments on charge shall be concluded by the end of December, 2015 in any case after giving opportunity to both the sides.

7. In view of above direction, the present petition is allowed.

8. A copy of this order be sent to learned Trial Court concerned for compliance.

9. Order *dasti*.

**SURESH KAIT
(JUDGE)**

AUGUST 23, 2015

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