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

+ W.P.(CRL) 813/2016

TASLEEM & ORS

..... Petitioners

Through: Mr.Osama Suhail, Advocate with
Petitioner in person.

versus

THE STATE (NCT OF DELHI)

..... Respondent

Through: Ms.Kusum Dhalla, APP for the State
for Ms.Nandita Rao, A.S.C. for the
State

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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06.05.2016

1. This writ petition has been filed by the petitioners praying for issuance of directions to the learned Trial Court to expedite the trial in the case FIR No. 318/1999, under Sections 420/120B IPC, registered at PS Lahori Gate to be conducted on day to day basis within time bound frame.

2. The petitioner is complainant in case FIR No. 318/1999, registered at PS Lahori Gate. The grievance of the petitioner is that despite repeated directions by this Court for expeditious disposal of the above case no progress has been made till date and still it is listed at the stage of consideration of charge.

3. Learned counsel for the petitioner has drawn the attention of this Court to the directions given vide order dated 8th October, 2004, in
W.P.(CRL) 813/2016

W.P.(Crl.) No. 208/2004 and order dated 19th November, 2013, in W.P.(Crl.) No. 1747/2013 which reads as under:

In W.P.(Crl.) No. 208/2014

“Considering the nature of the offence and the facts and circumstances of the case the learned ACMM trying the matter is directed to expedite the trial. In case the Court finds that an accused is deliberately absenting within a view to obstruct the trial his bail may be cancelled and he be put in custody so that there is no obstruction in the expeditious trial. It is also ordered that in this matter at least two dates for hearing shall be fixed every month so that more and more witnesses are examined without undue delay.”

In W.P.(Crl.) No. 1747/2013

“In view of the aforesaid Status Report, it is deemed appropriate to request the learned ACMM to recommence the trial of the present case and on the next date of hearing, i.e. , on 26.11.2013, specify the names of the witnesses, who the prosecution shall produce on the next date of hearing, for purposes of their examination.

Contemporaneously, the learned ACMM shall be at liberty to direct the Committee to submit its report for purposes of working out the modalities to facilitate payment to the investors by directly sale of the attached immovable properties.

The petition is disposed of. The trial Court is requested to make an endeavour to fix two dates on a monthly basis for examining the prosecution witnesses so that the trial of the case can be concluded expeditiously.”

4. On 14.03.2016 when this writ petition came for hearing report was called from the learned Trial Court about the time likely to be taken in concluding the trial in case FIR No. 318/1999, PS Lahori Gate.

5. Report has been received from the learned Trial Court wherein it has been reported as under:

- (i) First charge-sheet was filed on 07.05.2001 against 12 accused persons.
- (ii) First supplementary charge-sheet was filed on 20.09.2001.
- (iii) Charge was framed in this case on 19.01.2002 and at that time 165 witnesses were cited in the first charge-sheet.
- (iv) Second supplementary charge-sheet was filed on 22.03.2002 wherein another set of 144 witnesses were cited.
- (v) 47 sets of the charge against the accused persons were framed on 22.11.2006 and prior to that 16 witnesses had already been examined.
- (vi) One of the accused filed revision petition against the order of charge dated 22.11.2006. The Sessions Court vide order dated 10.04.2007 set aside the order on charge against revisionist Syed Ahmed Qaeed and remanded back for reconsideration of charge against him.
- (vii) Thereafter third supplementary charge-sheet was filed on 20.07.2005 and 7 more persons were charge-sheeted and 9 more witnesses were cited.
- (viii) The Supreme Court vide its order dated 03.10.2007 directed the learned Trial Court to work out the modalities for selling the properties of accused company and disburse the proceeds to the investors which consumed considerable time. The committee constituted for the said purpose is still functional but separate file has been prepared for the said purpose.
- (ix) Now the case is for consideration of the charge qua co-accused Syed Ahmed Qaeed as directed by the Sessions Court on 10.04.2007 and also for consideration of charge against other 7 accused persons against whom third supplementary charge-sheet was filed.

(x) It is further reported that more than 300 witnesses have been cited in

this case and there are 18 accused persons named in the charge-sheets.

(xi) Learned ACMM has further informed that she has succeeded to the said Court on 15.02.2016 and direction for giving at least to dates every month was not brought to her notice.

(xii) It is further reported that after directions were brought to her notice she has pre-poned the date for consideration of charge.

(xiii) Keeping in view the number of witnesses and the number of accused persons trial is likely to be completed within a period of three years.

6. Considering the detailed report submitted by learned Trial Court giving the reasons for delay in disposal, it is directed that the directions issued by this Court earlier vide order dated 08.10.2004 and 19.11.2013 be strictly complied with and the matter be disposed of expeditiously.

PRATIBHA RANI, J.

MAY 06, 2016

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