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

+ **CRL.M.C. 3053/2016**

KUNDAN SINGH

..... Petitioner

Represented by: Mr. Sulaiman Mohd. Khan,
Advocate.

versus

STATE THR. CBI

..... Respondent

Represented by: Ms. Rajdipa Behura, Spl. P.P
for CBI with Ms. Garima
Yadav and Ms. Philomon Kani,
Advocate.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

02.11.2016

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1. The petitioner was accused of offences punishable under Sections 120B/420/467/468/474/201 IPC and Section 12 (1) (b) of the Passports Act, 1967 in RC No. 6A/2002 CBI/SIU-V/SIC-II/ND and the charge sheet was filed in the year 2004. The petitioner has been facing trial in the said case since then. Out of 39 witnesses only 10 witnesses have been examined till date. This is despite the fact that when the order on charge was passed by the learned CMM on 16th October, 2007, the CBI was directed to inform the Court as to the formal witnesses to be examined so that their examination-in-chief could be conducted by way of affidavit. Till date no affidavits of the formal witnesses have been filed. Out of the 10 witnesses examined, only 2-3 are material witnesses.

2. While issuing notice this Court had asked the CBI to inform the

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reasons for delay in the trial. A reply affidavit has been filed which explains the progress in the trial and reasons for delay therein.

3. On 29th August, 2007 the case was fixed for arguments on charge when it had to be adjourned to 9th October, 2007 as the learned P.P. for CBI was busy. After hearing arguments on 9th October, 2007 the charge was framed on 16th October, 2007. Complainant was summoned for 4th March, 2008 but he did not turn up and also the learned CMM was on leave. A perusal of the order sheets would reveal that on six dates the matter had to be adjourned because the learned CMM was not holding the Court. Further either the witnesses were not present and if present they could be partly examined due to paucity of time. This is a trial pending since the year 2007 after charge sheet was filed in the year 2004.

4. One of the accused Smt. Anu Aggarwal @ Anita was declared proclaimed offender and has been arrested on 24th March, 2015 and thus the trial would have to restart.

5. For the facts noted above, the learned trial judge is directed to expedite the trial and conclude the same preferably within a period of six months by taking the evidence by way of affidavit of the formal witnesses on record and then tendering them for cross-examination so as to expedite the trial.

6. Petition is disposed of. Order dasti.

7. Copy of the order be sent to the learned Trial Court.

MUKTA GUPTA, J.

NOVEMBER 02, 2016/‘vn’

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