

\$~19

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

+ W.P.(CRL) 3003/2017

INDERJEET SINGH

..... Petitioner

Through: Mr.Arpit Bhalla, Advocate

versus

STATE (GOVT OF NCT OF DELHI)

..... Respondent

Through: Mr.R.S.Kundu, ASC for the State
with Mr.Bhagat Singh & Mr.Prem
Pal, Advocates with SI Ashwani
Kumar, PS Jyoti Nagar

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

% **30.10.2017**

Crl.M.A.17562/2017

1. Exemption allowed, subject to all exemptions.
2. The application is disposed of.

W.P.(Crl.) No.3003/2017

1. The petitioner has invoked the writ jurisdiction of this Court with the following prayer:

“It is, therefore, most humbly and respectfully prayed that this Hon'ble Court may kindly be pleased to direct Sh. Jitendra Pratap Singh Ld.MM/North, Rohini Court to expeditiously pass detailed speaking orders on the application under section 156(3) Cr.PC moved by the petitioner in complaint case no.12083/2016, in the interest of justice.”

2. Notice. Learned ASC as above accepts notice on behalf of the State.
3. Learned counsel for the petitioner has submitted that the petitioner is working as Constable in Delhi Police and has been placed under suspension

W.P.(CRL) 3003/2017

Page 1 of 3

by the DCP, Outer District. During the departmental inquiry, certain documents were placed by SI Naveen Kumar, which as per the petitioner, are forged and fabricated to falsely implicate the petitioner in the departmental case. The petitioner also allegedly sent a complaint to the police station through speed post for taking legal action but no action was taken. Thereafter he filed a complaint before the learned MM (North), Rohini (Complaint Case No.12083/2016) but the application filed by him under Section 156(3) Cr.P.C. is still pending which is causing grave injustice to him, hence this writ petition.

4. The petitioner has also placed on record the copy of the order sheets in the above mentioned complaint case. The proceedings dated 27th May, 2017 reveal that on that day arguments on the application seeking directions under Section 156(3) CrPC were heard and the case was posted for orders for 11th July, 2017.

5. The proceedings/ordersheets dated 11th May, 2017 and thereafter are as under:-

11.07.17

Complainant in Person. Order could not be dictated due to heavy cause list. Put up on 16.08.2017.

*Sd/-
MM/North/Rohini Court/Delhi
11.7.17*

16.8.17

Present none for complainant.

Matter be listed for appearance of complainant and for order for 20.9.2017.

*Sd/-
MM/North/Rohini Court/Delhi
27.5.17*

20.09.17

Complainant with counsel.

Today matter is listed for orders. However due to heavy cause list and I am serving as Link MM for the Court of Ms Kadambari Awasthi Ld MM and as such order in the present case cannot be pronounced today.

Put up for orders on 08.12.2017.

*Sd/-
MM/North/Rohini Court/Delhi
27.5.17*

6. Perusal of the above proceedings before the learned Trial Court reveal that for disposal of an application under Section 156(3) Cr.P.C. matter has been adjourned repeatedly without any justification and each time a long date was fixed for order on application despite that the order was not pronounced. The matter is now listed before the learned MM on 8th December, 2017 and by that time more than 6 ½ months would elapse and there is possibility of matter being adjourned again may be on the ground that arguments may be reheard.

7. Since the matter was heard by the learned MM in May, 2017 and now posted for orders on 8th December, 2017, the petitioner is at liberty to file written submissions along with an application before the learned MM praying for disposal of the application under Section 156(3) Cr.P.C. on that date so that matter is not further adjourned for arguments/clarification.

8. In the circumstances, that the matter is listed before learned MM for pronouncement of order on the application on 8th December, 2017, the instant writ petition is dismissed.

PRATIBHA RANI, J.

OCTOBER 30, 2017/ 'hkaur'