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

+ CRL.M.C. 4487/2017

SURAJ

..... Petitioner

Through: Mr. Shivam Chowdhry and Mr.  
Shashank Chowdhry, Advs.

Versus

THE STATE GOVT OF NCT OF DELHI

..... Respondent

Through: Mr. Amit Gupta, APP with SI  
Sangita, P.S. Mangol Puri.

**CORAM:**

**HON'BLE MR. JUSTICE A.K. PATHAK**

**ORDER**

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**03.11.2017**

Notice. learned APP accepts notice. Since short point is involved in the matter, with the consent of parties, I proceed to dispose of the matter after hearing the learned counsel for the petitioner and learned APP for the State.

On 23<sup>rd</sup> October, 2017 case titled State vs. Suraj arising out of FIR No. 609/2014 of police station Mangol Puri was listed before the Additional Session Judge, Special Fast Track Court, Rohini Courts, Delhi for final arguments. Petitioner prayed for grant of adjournment on the ground that mother of the main counsel-Shivam Chowdhry was unwell. However,

adjournment was declined on the ground that Vakalatnama of Mr. Shivam Chowdhry was not on record. Annexure-F shows that mother of counsel for the accused was indeed unwell and was taken to hospital on 23<sup>rd</sup> October, 2017. Accordingly, I am of the view that trial court ought to have granted adjournment to the petitioner.

By the impugned order, trial court has fixed the matter for 9<sup>th</sup> November, 2017 for pronouncement of judgment, however, petitioner was granted liberty to file written arguments.

Learned counsel for the petitioner, namely, Mr. Shivam Chowdhry submits that oral arguments are necessary to protect the interest of the accused. He further submits that he had been appearing for the accused (petitioner) before the trial court for the last two years and matter was diligently pursued.

In my view, petitioner's counsel could not appear on 23<sup>rd</sup> October, 2017 to advance oral arguments for the reasons beyond his control. Accordingly, impugned order is set aside. Learned counsel to appear before the trial court on 8<sup>th</sup> November, 2017. Trial court shall hear the petitioner's arguments and thereafter proceed in the matter in accordance with law. Counsel for the petitioner would also file written arguments in Court on the

next date fixed besides advancing oral arguments.

Petition is disposed of in the above terms. Miscellaneous applications are disposed of as infructuous. Copy of the order be given dasti to learned counsel for the petitioner under the signatures of the Court Master.

**A.K. PATHAK, J.**

**NOVEMBER 03, 2017**

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