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

+ **CRL.M.C. 4324/2018**

MOHD. NASEEM

..... Petitioner

Through: Mr. Vinay Jaidka, Advocate

versus

STATE & ANR.

..... Respondents

Through: Mr. Amit Ahlawat, APP for the State

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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11.12.2018

The grievances of the petitioner were set out in the order dated 25.09.2018, which reads thus :-

“By the petition at hand submitted invoking jurisdiction of this court under Section 483 of the Code of Criminal Procedure, 1973, the petitioner expresses grievance for inordinate delay on the part of the Metropolitan Magistrate in taking a decision on his application under Section 156(3) of Cr.P.C. which was submitted with the criminal complaint (CC No. 6907/16) that was presented in March, 2015 seeking criminal action against the respondent for offences punishable under Sections 420 / 447 / 448 / 451 / 468 / 471 of the Indian Penal Code, 1860. The copy of the said criminal complaint, application under Section 156(3) of Cr.P.C. and copies of the proceedings recorded by the Magistrate on 27.03.2015 till the last adjournment by order dated 31.05.2018

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posting the matter to 30.08.2018 do prima facie support the grievance. The matter appears to have lingered on unnecessarily on the file of the Metropolitan Magistrate for substantial initial time in calling Action Taken Report (ATR) from the police and, thereafter, for hearing arguments, on some of the dates the presiding officer being consistently not holding the court for one or other reason, the arguments on the application having been heard on 08.02.2018 and the order not having been pronounced ever since till date. The fact that the file is reported to be non-traceable (as per endorsement on the application for inspection which was moved on 11.09.2018) only adds to the apprehensions expressed in the petition by the complainant.

The Metropolitan Magistrate in seisin of the case shall not only ensure that there is no further delay but also make a report as to the reasons why the order on the prayer made by the petitioner has not been passed till date even after a lapse of seven months of oral submissions having been heard.

A copy of this order shall be transmitted forthwith immediately to the concerned Metropolitan Magistrate through the concerned Sessions Judge calling for the response well-in-time before the next date.

Be listed on 26th October, 2018.”

The report of the concerned Metropolitan Magistrate has been sent by the District & Sessions Judge (North-West) by his communication dated 23.10.2018. The report has been submitted in sealed envelope (marked “Confidential”), which has been perused.

The report explains the onerous circumstances in which the

concerned court is functioning, there being highly inadequate assistance from the staff posted in the said court, it being overburdened with almost 6000 matters, the daily cause list generally running into unwieldy number of cases, in the range of 100 or thereabouts. Be that as it may, the order on the complaint case of the petitioner was passed by the Metropolitan Magistrate on 30.08.2018, the next date of hearing fixed being 04.01.2019.

In above view, the counsel for the petitioner submitted that he may be permitted to withdraw the present petition. It is disposed of accordingly.

The report of the Metropolitan Magistrate and the covering letter under which it has been received are detached from the judicial record for being made over to the administrative side of this court.

R.K.GAUBA, J.

DECEMBER 11, 2018

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