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

+ **CRL.M.C. 4775/2018 & CRL.M.A. 32423/2018**

ROSHNI RANI

..... Petitioner

Through: Ms. Prabha Sharma, Adv.

versus

STATE (NCT OF DELHI) & ANR

..... Respondents

Through: Mr. Ashish Dutta, APP for the State
with SI Monika, PS Tilak Marg.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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19.09.2018

The petitioner is the complainant of the criminal case arising out of FIR No. 147/2015 statedly involving offences punishable under Sections 354A/354D/506 of Indian Penal Code, 1860 (IPC) of police station Tilak Marg. It appears the report under Section 173 Cr.P.C. (charge-sheet) was submitted on 03.09.2015 for the trial of second respondent. It also appears from the pleadings in the petition at hand and the documents filed therewith that after putting in appearance, an application was moved on 22.10.2016 by the father of the second respondent invoking Sections 328/330 Cr.P.C. requesting that the trial be not proceeded with for the reason the second respondent is a person of unsound mind. The copy of the order dated 22.10.2016 of the Metropolitan Magistrate would show that the application was taken on board and, by proceedings recorded on 27.05.2017, the SHO of the concerned police station was called upon to verify the documents. It

does appear that the verification exercise took a long time, the report having come on record sometime prior to 24.03.2018. On the said date, the counsel for the second respondent took adjournment. The matter remains pending on the file of the Metropolitan Magistrate for consideration of the prayer in the said application, it having been adjourned initially to 02.07.2018 and now listed on 17.11.2018.

The petitioner being the complainant of the case is aggrieved, her contention being that the claim of unsoundness of mind of the second respondent is false and concocted.

Without doubt, there has been inordinate delay in consideration of the application referred to above. At least on five dates of hearing, the case appears to have been adjourned on account of presiding officer being on leave. The trial court is expected to take the proceedings further expeditiously without any further delay.

This court hopes and trusts that, given the proper and effective assistance, the application, which is pending, shall be considered on the next date and appropriate orders passed thereupon in accordance with law.

With these observations, the petition and the applications filed therewith are disposed of.

Copy of the order be given *dasti* under the signatures of Court Master.

R.K.GAUBA, J

SEPTEMBER 19, 2018

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