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

+ W.P.(C) 13502/2018

SH. NAVEEN KUMAR GUPTA Petitioner
Through: Mr Girish Kumar Sharma, Advocate.

versus

DISTRICT GRIEVANCE REDRESSAL
COMMITTEE Respondent
Through: Ms Avnish Ahlawat, Standing
Counsel for GNCTD with Ms N.K.
Singh, Ms Palak Rohmetra and Ms
Aarushi, Advocates for R-1.

CORAM:
HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER
% **14.12.2018**

CM No.52633/2018

1. Exemption is allowed, subject to all just exceptions.
2. The application stands disposed of.

W.P.(C) 13502/2018

3. The petitioner has filed the present petition, *inter alia*, impugning an order dated 13.02.2018 whereby the petitioner's complaint dated 18.12.2017 was rejected by the Grievance Redressal Committee (the respondent) with the observations that the same pertains to the judicial proceedings and did not warrant any action on the part of the Committee.
4. The petitioner had filed the complaint alleging deliberate prejudice and bias on the part of a judicial officer (hereafter referred to as 'the learned

MM'). The complaint filed by the petitioner is prolix and runs into twenty-four pages. The principal allegation made by the petitioner is that he had appeared as an accused in a case bearing No. 123/2008, PS Tilak Nagar before the learned MM on 25.05.2016. On the said date, the petitioner's wife (who was the complainant in that case) was being cross-examined and the matter was thereafter listed on 28.09.2016. The petitioner alleges that he was surprised to know that on 25.05.2016, an order was passed by the learned MM stating that due to sudden electricity disconnection, the computer was shut down and the file containing the cross-examination of the complainant was corrupted and, therefore, the matter was kept for re-cross-examination on 28.09.2016.

5. The order passed on 25.05.2016 is set out below:

“FIR No. 123/08

PS Tilak Nagar

25.05.2016

Present : Ld. APP for the State.

Accused on bail with counsel.

Complainant in person.

Matter is listed for cross-examination of the complainant. Complainant is partly cross-examined, while the cross-examination was going on there was sudden electricity disconnection due to which the computer was shut down and after the computer was switched on, it was found that the file containing the cross-examination of the complainant has been corrupted.

The official namely Yogesh Sharma, Engineer from Computer Branch has been called to recover the file. He has stated that he has made his best efforts to recover the corrupted file by the same could not be recovered. He has stated that in the Linux system, the files do get corrupted during the electricity disconnection. Since, the file can not

be recovered due to sudden electricity disconnection, the cross-examination of the complainant has to be conducted again. Stenographer Bharat and Sh Yogesh Sharma, Engineer are directed to file a written report as regards the corruption of the file within 2 days. The complainant is bound down for the next date.

Matter be listed for cross-examination of complainant on 28.09.2016.

(Anu Aggarwal)
MM (Mahila Court-02)
West/THC : 25.05.2016 ”

6. On 28.09.2016, the learned MM passed the following order:-

“FIR No. 123/08

PS Tilak Nagar

28.09.2016

Present: Ld. Regular APP is on leave

Ld. Substitute APP for the State.

Accused on bail with Ld. counsel.

Complainant with Ld. counsel.

Report of Stenographer Bharat received. No report furnished by Yogesh Sharma, Engineer from Computer Branch. Notice be issued to him to furnish the report by the next date of hearing.

Matter be listed for cross-examination of the complainant on **16.12.2016** as per convenience of the Ld counsel for the parties.”

Sd/-

(Anu Aggarwal)
MM/Mahila Court/West
West/THC : 28.09.2016 ”

7. A report of the Stenographer has been placed on record which is dated 29.09.2016. The petitioner claims that the said report could not have been received by the learned MM on 28.09.2016. It is in the aforesaid backdrop that the petitioner had filed a complaint praying that an inquiry be held against the learned MM and against the Court staff and the hard copies of the cross-examination be recovered.

8. A plain reading of the order dated 25.05.2016 records that while the cross-examination was going on, there was a sudden disconnection of electricity due to which the computer had shut down and after the computer was switched on again, it was found that the file containing the cross-examination of the complainant in FIR 123/2008 (the petitioner's wife) had been corrupted. The Engineer from the computer branch had been called to recover the file but he had reported that despite his best efforts, the file could not be recovered.

9. Both, the official and the Engineer, were directed to file a written report with regard to the corruption of the file within the next two days.

10. The order dated 28.09.2016 indicates that the report of the Stenographer was received but no report had been furnished by the Engineer. The report submitted by the Stenographer is dated 29.09.2016 and there does appear to be a discrepancy in this regard. However, this Court is of the view that the same was not material and does not warrant any inquiry to be conducted. The petitioner has been granted the full opportunity to re-

cross-examine the complainant and it appears that despite the opportunities, the petitioner is not progressing with the same and is insisting that the hard copies be recovered when the same is not possible.

11. It is in the aforesaid context, the respondent Committee had considered the same and has decided not to take any action.

12. The proceedings before the learned MM are the judicial proceedings and it was open for the petitioners to avail of his remedies against those on the judicial side. The decision of the respondent impugned herein is on the administrative side and it has not, in any manner, precluded the petitioner from availing of its judicial remedies.

13. No interference with the impugned order is warranted. It does appear that the present petition has been filed with the view to delay the proceedings.

14. The petition is, accordingly, dismissed.

DECEMBER 14, 2018
RK

VIBHU BAKHRU, J