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

Date of decision: 4th December, 2019

+ W.P.(C) 12725/2019

DR. NAND KISHORE GARG Petitioner

Through: Mr. Shashank Deo Sudhi, Adv.

versus

THE GOVT OF NCT OF DELHI & ANR Respondents

Through: Mr. Satyakam, ASC for respondent
no. 1

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE C.HARI SHANKAR

ORDER

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04.12.2019

D.N. PATEL, CHIEF JUSTICE (ORAL)

CM APPL. No. 52025/2019 (exemption)

Allowed, subject to all just exceptions. Application is disposed of.

W.P.(C) No. 12725/2019

1. This so-called Public Interest Litigation (PIL) has been preferred with the following prayers:-

“(a) Issue a direction in nature of mandamus or any other appropriate writ, order/direction or directions for issuance of guidelines for expeditious prosecutions in respect of all sensitive criminal and corruption related cases where the allegations are serious in nature and are having a widespread ramifications on the community in terms of deterrence and any lapses of respondents could amount to

threat to the rule of law and democratic structure of our country for not having carried out adequate caution and precaution to bring the real culprits to justice in time bound manner including long pending cases where the state government had not lived up to the rule of law by not adhering to the solemn oath taken by the law makers under Schedule-III of the constitution of India. and/or

(b) Direct the Respondent No.1 to constitute a high powered committee to look into the aspects of delay in the procedural compliances which are leading to inordinate delay in the administrative processes for grant of sanction or other compliances in the criminal cases of the state including the above said criminal case. And/or

(c) Direct the respondent No.1 to grant immediate sanction in one of the most serious and grave case titled as State versus Kanhaiya Kumar against FIR No. 110 of 2016 registered at Vashant Kunj police station which is being deliberately delayed by the respondent No.1 by not granting the sanction. And/or

(d) Pass such further order(s) as may be deemed fit and proper under the facts and in the circumstances of the case.”

2. Having heard both the sides and looking to the facts and circumstances of the case, it appears that this petitioner is in search of guidelines to be drafted by this Court for the respondents for expeditious prosecution of all sensitive criminal and corruption related cases. We see no reason to grant such type of prayer, mainly for the reason that there are enough existing laws which provide adequate mechanism for such type of prayers. Those laws are to be properly invoked and executed by the

respondents as and when need arise, therefore, we see no reason to give further direction to the respondents over and above the existing laws. Petitioner is to keep in mind that the laws are being drafted by the legislature very meticulously after due discussions, deliberations and consultations with the experts. Hence, there is no need for further guidance to be given by this Court to the respondents. Moreover, there are number of decisions rendered by the competent Courts, which contain enough guidance as to how to expedite the hearing, especially in sensitive criminal and corruption related cases for the concerned respondent authorities.

3. Looking to the second prayer in this writ petition, it is about the constitution of high powered committee. We also see no reason to constitute any high powered committee. The Government has got adequate number of officers and there is no need to constitute any super committee over and above the departments of the Government.

4. So far as the third prayer is concerned, this petitioner is seeking directions to the respondent no. 1 to grant sanction, especially for FIR No. 110/2016 registered at Police Station Vasant Kunj. It appears that this petitioner is personally interested in this FIR. We see no reason to give directions in this case, specifically. Nonetheless, the respondents will take the decision for grant or otherwise of sanction in the aforesaid FIR, in accordance with law, rules, regulations and Government policy applicable to the facts of that case.

5. With these observations, this writ petition is hereby disposed of.

CHIEF JUSTICE

C.HARI SHANKAR, J

DECEMBER 04, 2019/r.bararia