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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 319/2019**
BALJEET SINGH MALIK @ POPPY Petitioner
Represented by: Mr. Amit Kumar, Advocate.

versus

STATE (GOVT OF NCT OF DELHI) Respondent
Represented by: Mr. Rahul Mehra, Standing Counsel
with Mr. Jamal Akhtar and Mr.
Amanpreet Singh, Advocates with SI
Hemant, PS Vasant Kunj.

CORAM:
HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER
27.02.2019

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1. By this petition, the petitioner seeks directions to the learned Trial Court for expediting and concluding the trial in case FIR No. 481/2008 under Section 302 IPC registered at PS Vasant Kunj in a fixed time frame on a day to day basis. The petitioner also seeks compensation for unreasonable and inordinate delay in trial of the above noted FIR.
 2. The grievance of the petitioner is that the petitioner was arrested on 28th March, 2009 pursuant to the above noted FIR being registered on 30th September, 2008 and despite being in custody for now nearly 10 years the prosecution has not concluded its evidence. The prosecution has cited 100 witnesses out of which according to the petitioner 43 witnesses have been examined and thus trial will take a long time.
 3. On receipt of the petition while issuing notice this Court had directed the learned Trial Court to send the latest report explaining the reason why
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despite almost nine and a half years having been elapsed since the charge sheet was filed the trial has not concluded.

4. A report has been received from the learned Trial Court as per which the charge in the above noted trial was framed vide order dated 6th February, 2010 and the case was fixed for prosecution evidence on 23rd April, 2010. Till 15th February, 2019, 42 witnesses were examined and the next for examination of the witnesses was fixed on 23rd February, 2019. As per the report prosecution has cited as many as 100 witnesses in the trial and out of which as noted above 43 witnesses have since been examined.

5. Apparently, the reasons for delay in conclusion of the trial are non-appearance of the prosecution witnesses and non-availability of the Special Public Prosecutor. Now the regular Public Prosecutor has taken over the trial and witnesses are in the process of being examined. However, considering the fact that the petitioner is languishing in jail for nearly 10 years it is imperative to pass directions to the learned Trial Court to conclude the trial as expeditiously as possible and preferably on day to day basis by fixing at least two dates of hearing in a week so that the remaining prosecution witnesses are examined.

6. Since one of reasons for delay is non-appearance of the witnesses this Court had directed the learned Standing Counsel to ascertain as to which Senior Officer will be assigned to monitor the trial so that the prosecution witnesses appear on the date fixed and the prosecution evidence is completed within a short span.

7. Mr. Rahul Mehra, learned Standing Counsel for the State submits that he has spoken to DCP South-West who has assigned the task of supervision

of the trial to Ms. Banita Merry, Additional DCP-I South-West District who will personally supervise the trial and ensure the presence of the witnesses as summoned by the learned Trial Court. He further states that in case incumbent who is presently DCP-I is transferred the person who comes in her place will take over the role of the supervisory officer. The DCP South-West is directed to pass necessary directions in this regard authorising Additional DCP-I to monitor the progress of trial so as to ensure that the prosecution witnesses are available for being examined without any default.

8. The learned Trial Court is therefore directed to expedite the trial and conclude the same as expeditiously as possible by fixing at least two dates in a week for examination of the witnesses.

9. Since on some of the dates, the matter was adjourned at the request of learned counsels for the accused as well, it is clarified that the learned Trial Court will grant no adjournment on the ground that the learned counsel for any of the accused is not present unless the accused himself is not present for some valid reason.

10. Petition is disposed of.

11. Order dasti to learned counsels for both the parties. Copy of this order be communicated to the learned Trial Court.

MUKTA GUPTA, J.

FEBRUARY 27, 2019/‘yo’
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