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

+ CRL.M.C. 427/2017 & CRL.M.A. 1903/2017

MEENAKSHI JAIN

.....Petitioner

Through: Ms. Meenu Pandey, Advocate

Versus

STATE

.....Respondent

Through: Mr. Izhar Ahmad, Additional
Public Prosecutor for respondent-
State

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

02.04.2019

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Impugned order of 6th January, 2016 permits the proposed accused to assist the court in arriving at the truth in FIR No. 182/2013, under Sections 304A/465/471/34 IPC, registered at police station Sarita Vihar, Delhi. Trial court has gone to the extent of observing in the impugned order that the assistance of accused would be instrumental in arriving at the truth in this case.

Petitioner's counsel relies upon Supreme Court's decisions in *Chandra Deo Singh V. Prokash Chandra Bose & Anr.* (1964) 1 SCR 639 and *Anju Chaudhary Vs. State of U.P. and Anr.* 2013 CrL.L.J.776 to submit that proposed accused persons have no right to appear before the process is issued to them.

Upon hearing and on personal of impugned order and decisions

cited, I find that as per entire scheme of Chapter 16 of Code of Criminal Procedure, accused person does not come into the picture at all, till the process is issued. In the instant case, process has not been issued. In the light of dictum of Supreme Court's decisions in *Chandra Deo Singh (Supra)* and *Anju Chaudhary (Supra)*, the proposed accused persons have no right of hearing at the summoning stage.

Impugned order of 6th January, 2017 permitting assistance by proposed accused persons is hereby set aside.

This petition and application are accordingly disposed of, while not commenting on merits of the case.

(SUNIL GAUR)
JUDGE

APRIL 02, 2019

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