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

+ **CRL.M.C. 2221/2018**

MANMEET SINGH ARORA

..... Petitioner

Through: Mr. Tanveer Ahmed Mir and Ms. Stuti
Gupta, Advocates with petitioner in person

versus

STATE OF NCT OF DELHI & ANR.

..... Respondents

Through: Mr. Kewal Singh Ahuja, APP with SI
Vikram Singh

Mr. Piyush Singh and Mr. Akshay Srivastava,
Adv. for the complainant

Ms. Swati Roy, Advocate for Delhi Commission
for Women

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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14.01.2019

The present petition under Section 482 Cr. PC brought a challenge to the order dated 20.02.2018 of the court of the Special Judge under Protection of Children from Sexual Offences Act in the context of Sessions case no.349/2017 (old no.117/17) registered on the basis of report (charge-sheet) under Section 173 of the Code of Criminal Procedure, 1973 (Cr. PC) submitted upon conclusion of investigation into first information report (no.68/2017) of police station Punjabi Bagh statedly involving offences punishable under Sections 376(2)(n)/506/354 IPC. The petitioner is the accused in the

said Sessions case, it having been registered at the instance of the second respondent, his own daughter, statedly a minor at the time of commission of the alleged offences. As per the charge-sheet, the learned counsel on both sides confirm, the prosecution case rests on the testimony of the second respondent (the first informant) as also that of her mother (i.e. the wife of the petitioner) and her brother (i.e. the son of the petitioner). The case has been at the stage of consideration of charge ever since, by order dated 20.02.2018, it had been posted to 24.02.2018 for such purposes.

The petitioner had sought permission of the trial court to leave for the United States of America where he statedly has been settled for many years with his family, he being engaged in work for gain there. The trial court found it not advisable to grant such permission and thus rejected the prayer which order is assailed by the petition at hand.

After some hearing, the learned counsel for the petitioner submitted that the petitioner would be satisfied if directions are issued for expeditious proceedings in the Sessions case before the trial court wherein the question of charge has been pending for more than one year, his request being that after the question of charge has been considered, on which he proposes to make his appropriate submissions on 23.01.2019 when the matter is coming up, should charge be framed directions be issued to the trial court for expeditious recording of the evidence of the aforementioned three crucial witnesses. He submitted that after such proceedings have been

concluded, the petitioner may be given liberty to move a fresh application before the trial court for permission to travel abroad.

Indeed, given the above mentioned facts, there is a need for some sense of urgency in proceeding in the concerned Sessions case. The trial court is thus requested to consider and decide upon the issue of charge on 23.01.2019 on which date the case is stated to be listed for such purposes. In case charge is found made out, all endeavour shall be made for formal charges to be framed expeditiously and also, subject, of course, to the calendar of the trial court, an early date to be fixed for recording of the evidence of the above mentioned witnesses. After such proceedings have been concluded, the petitioner will have the liberty to move a fresh application for permission to travel abroad which, of course, shall be considered and decided upon by the trial court in accordance with law.

The petition stands disposed of with these observations.

Dasti under the signatures of the Court Master.

R.K.GAUBA, J

JANUARY 14, 2019

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CRL.M.C. 2221/2018

page 3 of 3