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

+ CRL.M.C. 4986/2017 & CRL.M.A. 19766/2017

RAKSHITA SHARMA @ MEENA BHARANA.....Petitioner

Through: Mr. Visheshwar Shrivastava,
Advocate

Versus

HEM SINGH BHARANARespondent

Through: Mr. Izhar Ahmad, Additional
Public Prosecutor for respondent-
State with SI Bharat Lal
Mr. Rakesh Malhotra, Advocate for
respondent No. 2

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

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08.03.2019

Trial court vide impugned order of 21st September, 2017, rejects application under Section 210 of Cr.P.C.

Vide aforesaid application trial of Complaint case and State case together was sought. Trial court has declined aforesaid application on the ground that State case is pending for almost 15 years, whereas in the Complaint case, pre-charge evidence is yet to commence. Trial court has relied upon decision of a Coordinate Bench of this Court in *Capt. Rajinder Tiwari & Ors. vs. State (NCT of Delhi)* 2007 (94) DRJ 333.

Learned counsel for second respondent submits that it would be in the interest of justice that the State case and the Complaint case are tried together, otherwise, it would lead to conflicting decisions.

Upon hearing and on perusal of impugned order and the decision in *Capt. Rajinder Tiwari & Ors. (Supra)*, I find that it has been observed in the aforesaid decision, that the trial court may continue to proceed with the State case and Complaint case together. Merely because the State case is about 15 years old, would not justify trial of State case and Complaint case separately, as trial of State case and the Complaint case separately may lead to conflicting decisions.

In view of the aforesaid, impugned order of 21st September, 2017 is hereby set aside and the application under Section 210 of Cr.P.C. is allowed, with direction that State case and the Complaint case be tried together expeditiously.

With aforesaid directions, this petition and the application are accordingly disposed of, while refraining to comment upon merits.

(SUNIL GAUR)
JUDGE

MARCH 08, 2019

v