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

+ CRL.M.C. 1506/2020

GAJENDER SINGH alias BENNER

.....Petitioner

Through: Mr.Bahul Kalra, Mr.Akhand Pratap
Singh & Mr. Abhinandan Gautam,
Advocates.

Versus

STATE

.....Respondent

Through: Mr.Kamal Kumar Ghei, APP for State.

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

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08.07.2020

(hearing through Video Conferencing)

The status report has been submitted by the State.

Vide the present petition, the only prayer made by the petitioner is to the effect that the learned ASJ-03, Special Judge, PHC, New Delhi which is seized of the case in relation to SC No.163/2019 qua FIR No.27/2009 under Section 3 of the MCOC Act, 1999 PS Special Cell be directed to dispose of the application that has been filed by the applicant therein expeditiously seeking the dropping of proceedings against him in view of the factum that the other co-accused in the instant case stand acquitted with it having been submitted on behalf of the petitioner that the allegations levelled against the other accused persons and the present petitioner are inseparable and that there is no evidence against the petitioner.

On behalf of the petitioner, it has been submitted that the matter has been pending before the learned Trial Court since the time of the filing of the application with the matter having been taken up on 28.09.2019, 19.10.2019, 06.11.2019, 04.12.2019, 21.12.2019, 04.02.2020 and whereafter the matter was re-notified for the date 24.03.2020 for further arguments before the learned ASJ-03, District PHC, New Delhi whereafter it has since been re-notified in view of the prevailing pandemic for the date 10.08.2020. It has further been submitted on behalf of the applicant that he has been incarcerated since 11.03.2019.

On behalf of the State, there is no opposition to the prayer made by the petitioner seeking the expeditious hearing and disposal of the application that the petitioner has filed seeking the dropping of proceedings against him.

In the circumstance, in as much as, the applicant is in custody and all other accused persons having been acquitted vide judgment dated 12.07.2018 in relation to FIR No.27/2009 of the Court of the learned ASJ-03, PHC, New Delhi, the petition is disposed of with directions to the learned Trial Court to take up the application seeking the dropping of proceedings filed by the petitioner for hearing without default on the date 10.08.2019 through Video Conferencing in the event of the Subordinate Courts not resuming functioning physically by then, with directions also to the Superintendent Jail, Delhi for the presence of the petitioner through Video Conferencing; with directions further to the learned Trial Court to dispose of the application within a period of 30 days from the date 10.08.2020.

The petition is disposed of accordingly.

ANU MALHOTRA, J

JULY 08, 2020/‘neha chopra’