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via Video-conferencing

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

+ W.P.(CRL.) 960/2020 & CRL. M.A. No. 8092/2020

ANSHUMAN NARANG

.....Petitioner

Through : Mr. Nitin Mehta, Mr. Arpit
Rawat and Mr. Varun Jain,
Advocates.

versus

STATE OF NCT OF DELHI & ANR.

..... Respondents

Through : Ms. Kamna Vohra, ASC for
State along with Mr. Karan Jeet
Rai Sharma, Advocate.
Dr. M.K. Gahlaut, Advocate for
R2.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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23.06.2020

The petitioner is an accused in case titled '*State vs. Anshuman Narang & Ors.*' bearing SC No. 360/2017 arising from FIR No. 985/2015 registered under sections 498A/406/377/506/307/34 IPC at PS : Shalimar Bagh, Delhi, which is pending adjudication before the learned Additional Sessions Judge, Patiala House Courts, New Delhi. The case is at the stage of recording prosecution evidence.

2. By way of the present petition the petitioner has made the following prayers :

"A. Issue writ, order or direction in the nature of mandamus directing the Ld. Trial Court to record the remaining

evidence in the case titled “State versus Anshuman Narang etc.” bearing FIR No. 985/2015, registered under Sections 498A/406/377/506/307/34 IPC at Shalimar Bagh Police Station via Video Conferencing;

And/or

B. Issue writ, order or direction in the nature of mandamus directing the Ld. Trial Court to record the remaining evidence in the case titled “State versus Anshuman Narang etc.” bearing FIR No. 985/2015, registered under Sections 498A/406/377/506/307/34 IPC at Shalimar Bagh Police Station in any other manner as feasible

And/or

C. Issue writ, order or direction in the nature of mandamus directing the Ld. Trial Court to start recording evidences in all the time bound criminal cases;

And/or

D. Issue writ, order or direction in the nature of mandamus directing the Ld. Trial Court to implement notification record the evidence by video conferencing as per the procedure laid down by this Hon’ble Court vide notification No. 325/Rules/DHC dated 01.06.2020 in its true letter and spirit;...”

3. Ms. Kamna Vohra, learned ASC appears for respondent No. 1/ State on advance copy.
4. Dr. M.K. Gahlaut, learned counsel has also entered appearance on behalf of respondent No. 2/Ms. Ritika Juneja, the complainant on advance copy.
5. A perusal of the paper-book shows that the on-going proceedings in the Trial Court are under the watch of the Supreme Court inasmuch as *vidé* its order dated 11.02.2019 made in SLP (Crl.) No. 1370/2019 titled '**Anshuman Narang vs. State of NCT of Delhi**' the Supreme Court has *inter alia* observed as under :

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x x x x x x

We are not inclined to interfere with the impugned judgment. However, the limited indulgence that can be shown to the petitioner is to make easy the direction given by the High Court to pay costs of Rs.50,000/- in the impugned judgment. We order accordingly.

Besides the above, the trial court is directed to expedite the hearing of trial preferably dispose of the matter within one year from today.

x x x x x x "

6. Furthermore, *vidé* its order dated 16.12.2019 made in SLP (Crl.) No. 11307/2019 titled '***Ritika Juneja & Anr. vs. State NCT of Delhi & Anr.***', the Supreme Court has *inter alia* observed as under:

“

x x x x x x

We place on record undertaking given by the petitioners through counsel that the petitioners will extend all possible cooperation to the transferee Court for early disposal of the proceedings and avoid any untoward situation hereafter. Similar assurance is given by the respondent No.2 through his counsel.

Undertaking given by both parties is accepted. Ordinarily, we would have disposed of this Special Leave Petition finally but in view of the aforesaid arrangement, we deem it appropriate to keep it pending so that, in case, any party creates untoward situation before the transferee Court that can be dealt with by us appropriately.

x x x x x

The time limit for completion of trial shall stand extended till the end of March, 2020 for the time being.

List this Special Leave Petition in the first week of April, 2020 for directions, for information and necessary action.

x x x x x "

(Emphasis supplied)

7. Thereafter, *vidé* its order dated 16.03.2020 made in SLP (Crl.) No. 11307/2019 titled '***Ritika Juneja & Anr. vs. State NCT of Delhi & Anr'***', the Supreme Court has observed as under :

"We defer the hearing of this special leave petition with direction to the trial Court to proceed with the trial expeditiously and conclude it by the end of June, 2020.

x x x x x

List the matter in the second week of July, 2020.

x x x x x "

(Emphasis supplied)

8. Evidently therefore, the progress of the trial in the present case is under the lens of the Supreme Court.

9. In the circumstances, this court cannot entertain the present petition, which is accordingly dismissed.

10. Pending application, if any, also stands disposed of .

ANUP JAIRAM BHAMBHANI, J.

JUNE 23, 2020

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