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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 5081/2019 & CRL.M.A. 5124/2020**
FRANCIS THOMAS Petitioner

Through: Ms. Ojasvi Sharma, proxy counsel.

versus

STATE & ORS. Respondents
Through: Mr. Kamal Kumar Ghei, APP for
State with SI Subhash Chand, PS
Vasant Kunj South.
Mr. Ravi Prakash, Mr. Ashish Verma
& Ms. Avika Madhura, Advocates.

CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA
ORDER
% **06.03.2020**

CRL.M.A. 5124/2020 in CRL.M.C.-5081/2019

The matter is already fixed for the date 27.05.2020 and is taken up on CRL.M.A.5124/2020 filed on behalf of the respondent no.2 seeking an early hearing.

As per the process report, the respondent no.3 & 5 have been served with the notice of the main petition, the respondent no.4 has not been served and qua the respondent no.6, the process report is awaited.

Vide proceedings dated 09.10.2019, the proceedings before the learned Trial Court are indicated to have been stayed with the interim

order directed to continue vide order dated 19.02.2020.

It has been submitted on behalf of the petitioner and the respondent no.2, the applicant of CRL.M.A. 5124/2020 as well as on behalf of the State that no useful purpose would be served by the continuation of the interim restraint dated 09.10.2019 and 19.02.2020 before the learned Trial Court which is only hampering the proceedings of the trial before the learned Trial Court, in as much as the prayers made vide the present petition were to the effect:-

“A. Pass appropriate directions to the Trial Court to hear all the Accused persons together, including the present Petitioner, on the point of charge/discharge and pronounce a consolidated order on charge/discharge instead of passing separate orders in piecemeal with respect to each of the Accused persons, in case bearing SC No. 283/18, titled as "State Vs. Francis Thomas and Others" arising out of FIR No. 79/2016 lodged under Section 304A/34 IPC at Police Station Vasant Kunj (North) and give sufficient time and opportunity to each Accused/his counsel to advance arguments without any restriction of time frame, as imposed vide order dated 12.09.2019 passed by this Hon'ble Court.

B. Modify/alter the order dated 12.09.2019 passed by this Hon'ble Court insofar as it imposed a specific time limit of 8 weeks.”

It has been informed on behalf of the State that the charges in the matter are yet to be framed as is also submitted on behalf of the petitioner and on behalf of the applicant/ respondent no.2. In the circumstances, the matter is taken up. The date 27.05.2020 stands cancelled and presently the petition is disposed of with directions to

the learned Trial Court which is seized of the proceedings in relation to FIR No.79/2016, PS Vasant Kunj North qua the aspect of the framing of charges in the matter which are stated to have not been framed till date despite institution of the charge sheet on 04.09.2017 within a period of two months from the date 29.05.2020.

Copy of this order be sent to the learned Trial Court.

ANU MALHOTRA, J

MARCH 06, 2020

'neha chopra'