



* IN THE HIGH COURT OF DELHI AT NEW DELHI

% *Reserved on: 16.03.2023*
Pronounced on: 12.10.2023

+ W.P.(CRL) 737/2023 AND CRL.M.A. 6773/2023

MOHIT

..... Petitioner

Through: Dr. Rajesh Mohan and Mr.
Pankaj Sharma, Advocates.

versus

STATE OF NCT OF DELHI

..... Respondent

Through: Mr. Yasir Rauf Ansari, ASC for
the State with Mr. Adeeb-ul-
Hasan, Advocate with SI Rohit,
PS Sultanpuri.

CORAM:

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

JUDGMENT

RAJNISH BHATNAGAR, J

1. By way of this petition filed under Article 226 and 227 of the Constitution of India, the petitioner is seeking the following relief:-

- a) *issue appropriate order or writ in the nature of mandamus or any other appropriate writ directing the expeditious disposal in accordance with law of the case no. 542787/2016 in Rohini Court, New Delhi registered consequent to FIR No. 309 of 2015 dated 31.03.2015 at Police Station Sultanpuri, New Delhi;*
- b. *issue appropriate order or writ in the nature of mandamus or any other appropriate writ directing the alteration of charge from under section 323/341/34 IPC to under Section 307/326/341/34 IPC in case no. 542787/2016 pending in the Court of Ms. Sanya Dalal, MM-01, North West, Rohini, New Delhi;*



- c) *issue appropriate order or writ in the nature of mandamus or any other appropriate writ directing the prosecution by private counsel for the petitioner of case no.542787/2016 pending in the Court of Ms. Sanya Dalal, MM-01, North West, Rohini, New Delhi*
- d) *suo motu prosecute and punish the Public Prosecutor attached to the Court of Ms. Sanya Dalal, MM-01, North West, Rohini, New Delhi for criminal and civil contempt of Court and for interfering in administration of justice as per Hon'ble Supreme court of India judgment in re, (2021)1 SCC745, and/or in exercise of powers u/s 482 CrPC, and/or under article 226/227 of the constitution of India; and/or*
- e) *issue any other order/relief/direction as this Hon'ble Court deems fit, just and proper according to fact and circumstances of the present case."*

2. Learned counsel for the petitioner submitted that there is undue delay in trial of case no. 542787/2016 pending before the learned Trial Court. He further submitted that without considering the MLC received from Sanjay Gandhi Memorial Hospital and discharge summary of Safderjung Hospital, learned MM framed charges under Sections 323/341/34 IPC against the accused persons, thereafter feeling aggrieved by the same, the petitioner herein had filed applications under Sections 216 and 302 Cr.P.C. before the learned Trial Court for alteration of charges and for prosecution by private counsel respectively. He further submitted that the above mentioned applications are pending before the learned Trial Court for consideration. Learned counsel for the petitioner further submitted that petitioner had filed a criminal contempt petition against the learned public prosecutor attached to the court of concerned learned MM but learned Standing Counsel for the State vide letter dated 12.01.2023



refused permission to prosecute contempt case against learned public prosecutor without giving any reason.

3. On the other hand, it is submitted by learned ASC that the petitioner had earlier approached this Court seeking the same relief by way of petition being W.P. (CRL) 200/2019. It is further submitted by him that vide order dated 22.01.2019, the co-ordinate Bench of this Hon'ble Court had already passed the order for expeditious disposal of the case.

4. I have heard the learned counsel for the petitioner and learned ASC for the State and also have gone through the records.

5. In the instant case, as per the submission of learned ASC, it would be appropriate to look into the order dated 22.01.2019 passed by the co-ordinate Bench of this Court, the relevant portion of the same reads as follows:-

“The learned counsel for the respondent submits that on every date when the case is so listed, the respondent shall assist the Court for expeditious disposal of the applications. They will further request the Court to dispose off the case itself preferably in a period of ten months. No further reliefs are pressed at this stage. The petition is disposed off in the above terms.”

6. In view of the submission of learned ASC and also taking into consideration the order dated 22.01.2019, the trial court is directed to dispose of the case as expeditiously as possible.

7. With the aforesaid observation, the petition stands disposed of.

RAJNISH BHATNAGAR, J

OCTOBER 12, 2023/p