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

% Judgment delivered on: 03.10.2023

+ CRL.M.C. 7127/2023

JAMAL RANJHA

..... Petitioners

versus

CHANDRA PRAKASH PANDEY

..... Respondents

Advocates who appeared in this case:

For the Petitioner : Mr. Akshay Bhandari and Mr. Anmol,
Advocates

versus

For the Respondent : Mr. Shoaib Haider, APP

CORAM:

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

JUDGMENT

TUSHAR RAO GEDELA, J. (ORAL)

[The proceeding has been conducted through Hybrid mode]

CRL.M.A. 26583/2023 (Exemption)

1. Exemption allowed subject to just exceptions.
2. The application stands disposed of.

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3. This is a petition under Article 227 of the Constitution of India r/w Section 482 Cr.P.C., 1973 seeking directions to the learned Trial Court to complete the trial within a period of two months from the next date of hearing i.e. 16.10.2023 in FIR No.60/2009 registered at PS Zafrabad under Section 302 IPC, 1860.
4. Learned counsel appearing for the petitioner submits that the



petitioner is facing trial in the FIR No. 60/2009 which has been pending for almost 14 years till date.

5. Learned counsel submits that though all the prosecution's evidence is complete, only the evidence of the IO remains. Learned counsel submits that since the matter is hanging fire since the year 2009, the fundamental right of the petitioner under Article 21 of the Constitution of India, 1950 is seriously jeopardised. Learned counsel submits that the petitioner only seeks a direction whereby the learned Trial Court be directed to conclude the trial expeditiously and preferably within two months from the next date of hearing, i.e., 16.10.2023 when the matter is listed before the learned Trial Court for recording of the evidence of the IO.

6. Issue notice.

7. Notice is accepted by Mr. Haider, learned APP for the State.

8. Mr. Haider submits that it is unfair on the part of the petitioner to submit that the matter is hanging fire since last 14 years inasmuch as according to the learned APP, the petitioner is a habitual offender and almost 20 cases are pending against him.

9. That apart, learned APP also submits that the petitioner was granted bail in the year 2013 and had absconded thereafter. Learned APP submits that petitioner had stopped appearing before the Court since then.

10. According to the learned APP, it was only in the year 2016 that the petitioner was re-arrested in respect of some other offence and started appearing before the Trial Court. In other words, the learned APP submits that delay is purely on account of abscondence of the



petitioner and not the fault of the prosecution or even the learned Trial Court.

11. This Court has heard the arguments of learned counsel appearing for the petitioner as also of Mr. Haider, learned APP.

12. It may be true that the petitioner is facing trial in about 20 criminal cases as on date and also is a habitual offender yet, the same cannot be a reason to deny the rights under Article 21 of the Constitution of India to the petitioner. It also appears from the record as also the admission of the learned counsel appearing for the petitioner that the petitioner was indeed absconding from 2013 till 2016, which is a matter of three years.

13. Though, the abscondence of the petitioner may have delayed the trial for three years, yet the right of the petitioner as an offender in criminal law of this country and under Article 21 of the Constitution of India, 1950 for speedy trial, can neither be diluted nor whittled.

14. Keeping the aforesaid principles in view, this Court is of the considered opinion that the petitioner is entitled to his rights under Article 21 of the Constitution of India for a speedy trial and accordingly, the learned Trial Court is requested to conclude the entire trial within a period of six months from the next date of hearing i.e. 16.10.2023.

15. A copy of this order be sent to the Court concerned.

16. The petition is disposed of accordingly.

TUSHAR RAO GEDELA, J .

OCTOBER 3, 2023/ms