



2023:DHC:7995



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

% Judgment delivered on: 31.10.2023

+ CRL.M.C. 7884/2023

DHAIN CHAND

..... Petitioner

Through:

versus

STATE GNCT OF DELHI AND ORS

..... Respondents

Advocates who appeared in this case:

For the Petitioner : Mr. Pradeep Chaudhary, Advocate

For the Respondent : Mr. Shoaib Haider, APP with SI Richa,
P.S. I P Estate**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. 29442/2023**

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

CRL.M.C. 7884/2023

3. This is a petition under Section 482 Cr.P.C., 1973 seeking directions/orders to expedite the trial, pending before the Court of



2023:DHC:7995



learned MM, District Central, Tis Hazari Courts, Delhi in FIR No. 302/2010 dated 25.12.2010 under Sections 420/468/471 IPC, 1860 registered at Police Station I.P. Estate, New Delhi.

4. Learned counsel appearing for the petitioner submits that by the present petition, the petitioner seeks expeditious disposal of the trial proceedings *qua* the aforesaid FIR.

5. Learned counsel submits that the instant FIR was registered on 25.12.2010 and the charges were framed after delay of about eight years in 2018. He further submits that despite framing of charges, till today, not even a single witness has been examined despite the summons having been issued by the learned Trial Court from time to time.

6. He further submits that the delay in such trial directly impacts his fundamental rights under Article 21 of the Constitution of India. On that ground he seeks a direction to learned Trial Court to conclude the trial proceedings at the earliest.

7. Issue notice.

8. Notice accepted by Mr. Shoaib Haider, learned APP for State.

9. This Court has, time and again observed that in many matters in the criminal Courts, the trial is protracted directly causing violation of the fundamental rights of the undertrial for speedy disposal of their cases.

10. In that regard, the judgment passed by this Court in Crl. M.C. 7127/2023 titled ***Jamal Ranjha vs. Chandra Prakash Pandey*** delivered on 03.10.2023 is also relied upon. The relevant paragraphs are extracted hereunder:-

“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.”

11. According to learned APP, the next date of hearing before the learned Trial Court is 07.11.2023 when public witnesses are to be examined.

12. Learned Trial Court shall ensure by all the processes available to it under the Code of Criminal Procedure, 1973 to compel the witnesses to appear before it so as to ensure that the trial can proceed and the prosecution evidence can be recorded.

13. The direction of the learned Trial Court to the SHO shall be implemented scrupulously without any delay and the SHO shall ensure that there is no let off so far as the presence of witnesses are concerned,



2023:DHC:7995



by all necessary means as available to the SHO under law.

14. Keeping in view the fact that the FIR was registered in the year 2010 and almost 13 years have passed without the trial even commencing till date, this Court is of the considered opinion that the trial should be disposed of expeditiously.

15. Accordingly, the learned Trial Court is requested to give shorter accommodations, subject to the convenience of learned counsel appearing for the parties and dispose of the same within a period of 18 months from today.

16. The petition is disposed of in above terms.

TUSHAR RAO GEDELA, J.

OCTOBER 31, 2023

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