



\$~29

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

+ **CRL.M.C. 3558/2019 & CRL.M.A. 31803/2019**

VED PRAKASH CHAUHAN & ORS .....Petitioners

Through: Mr. Behari Triyuntant,  
Adv.

versus

STATE

.....Respondent

Through: Mr. Raj Kumar, APP for  
the State with SI Sunny  
Khatri, PS Vijay Vihar.  
Mr. Nitin Tomar, Adv. for  
R-2.

**CORAM:**

**HON'BLE MR. JUSTICE AMIT MAHAJAN**

**ORDER**

%

**11.07.2024**

1. The present petition was filed way back in the year 2019, challenging the order dated 13.03.2019 passed by the learned Trial Court in Cr. Case No. 35/2019, pursuant to which summons were issued to the petitioners in the chargesheet filed by the State in FIR No. 285/2016.

2. It is not disputed that pursuant to the investigation, chargesheet was filed by the State and the names of the petitioners were kept in Column No. 12. Only the name of the accused 'Arvind Chauhan' was mentioned in Column No. 11.

3. The learned Trial Court noted that there is sufficient material available on record to proceed against all the accused persons named in Column No. 11, however, proceeded to issue summons to the petitioners, who were not named in Column No. 11 but were only referred in Column No. 12.



4. It is not in doubt that the learned Trial Court, after considering the chargesheet and the evidence collected by the prosecution, can proceed against any person during the course of an enquiry or trial if it appears from the evidence that any person has committed any offence for which he should be tried together with the accused.
5. However, in the present case, no such satisfaction is recorded and as noted above, the learned Trial Court had noted that there is material on record to proceed only against accused persons named in Column No. 11.
6. Admittedly, the names of the petitioners are not mentioned in Column No. 11. It is a possibility that the order has been passed due to inadvertent error.
7. In view of the above, the order dated 13.03.2019 is set aside and the matter is remanded. The learned Trial Court is directed to proceed afresh and pass an appropriate order after considering the chargesheet and the material on record.
8. Since the FIR was registered way back in the year 2016 and the chargesheet was also filed way back in the year 2019, the learned Trial Court is expected to proceed expeditiously.
9. List before the learned Trial Court on 22.07.2024 for further consideration.
10. A copy of this order be sent to the learned Trial Court for necessary compliance.

**AMIT MAHAJAN, J**

**JULY 11, 2024**

*'KDK'*