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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 2445/2020 & CRL.M.A. 17320/2020 & 17322/2020**

CHANDAN PATHAK Petitioner
Through: **Mr.Bipin Kumar Jha & Ms.Komal Jha, Advs.**

versus

THE STATE (GOVT. OF NCT OF DELHI) Respondents
Through: **Mr.Shoaib Haider, APP along with Mr.Akash Awana, Adv. SI Mohd Intzar, PS IP Estate Delhi. Mr.Kunal Mittal & Mr.Shiv Dutt Kaushik, Advs. for R-2.**

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER
24.05.2024

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1. This petition has been filed under Article 227 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 (in short, Cr.P.C.), challenging the order dated 16.03.2019 passed by the learned Additional District and Sessions Judge, Tis Hazari Courts, Delhi in Criminal Revision No. 117/2019, titled as *Chandan Pathak v. The State (Govt. of NCT of Delhi)*, dismissing the Revision Petition.

2. The said Revision Petition was filed challenging the order dated 05.01.2019 passed by the learned Metropolitan Magistrate, Central District, Tis Hazari Courts, Delhi (hereinafter referred to as the 'Trial Court') in case arising from the FIR No. 393/2014 registered at Police



Station: I.P. Estate, Delhi for offence under Sections 509/506/34 of the Indian Penal Code, 1860 (in short, 'IPC'), discharging the petitioner for the offence under Section 506 of the IPC, while framing charge under Section 509 of the IPC against the petitioner. The petitioner was aggrieved of the charge framed against him.

3. The learned counsel for the petitioner submits that subsequent thereto, testimony of the witnesses have been recorded before the learned Trial Court which has, in fact, supported the case of the petitioner.

4. He submits that the petitioner would be satisfied if a direction is issued to the learned Trial Court to expedite the conclusion of the trial. He further submits that the petitioner is in Armed Forces, therefore, his personal presence before the learned Trial Court should be exempted.

5. I have considered the submissions made.

6. Keeping in view the nature of the allegation in the FIR, and the submissions made hereinabove, the learned Trial Court is requested to expedite the trial and make an endeavour to dispose it of, in accordance with law, preferably within a period of six months from the first listing of the case before it post this order.

7. As the petitioner is stated to be a member of the Armed Forces, he is exempted from his personal appearance, if represented through a counsel. However, in case, the learned Trial Court deems it necessary to seek personal presence of the petitioner, there shall be no embargo on the learned Trial Court to direct the same.

8. The petition and the pending applications are disposed of in the



above terms.

9. A copy of this order be sent to the learned Trial Court for necessary information.

NAVIN CHAWLA, J

MAY 24, 2024/rv/ss

Click here to check corrigendum, if any