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

+ **W.P.(CRL) 2059/2024**

SUMIT SHUKLA

.....Petitioner

Through: Mr. Satish Kumar and Mr. Raj Dhruv Singh, Advs.

versus

STATE OF NCT OF DELHI AND ANR

.....Respondents

Through: Mr. Amol Sinha, ASC (Crl.) for State with Mr. Kshitiz Garg, Mr. Ashvini Kumar and Ms. Chavi Lazarus, Advs. SI Bhanu Prakash, PS Janakpuri.

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

ORDER

% **11.07.2024**

CRL.M.A. 19977/2024

Exemption allowed, subject to just exceptions.

Application stands disposed of.

CRL.M.A. 19976/2024

Application under Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been preferred on behalf of the petitioner for condonation of delay of 100 days in re-filing the petition.

For the reasons stated in the application, delay of 100 days in re-filing the petition is condoned.

Application is accordingly disposed of.

W.P.(CRL) 2059/2024

1. Writ Petition under Article 226 and 227 of the Constitution of India has been preferred on behalf of the petitioner with the following prayers:



“i) call for the record of the Cr. Case No. 9060/2023 pending before Ld MM 11, Dwarka Court, New Delhi.

ii) issue a Writ of Mandamus or any other writ, order or direction necessary for protection and enforcement of Constitutional and statutory rights of the petitioner to speedy and fair justice.

iii) direct the Respondent to ensure fair investigation into the offence under section 420, 409 IPC read with section 34 of the IPC committed by the accused.

iv) to direct departmental action against the officers responsible for improper investigation.

v) may also direct the learned MM to ensure fair investigation and speedy trial of the case under section 420, 409 read with section 34 of the IPC.”

2. Learned ASC for State appears on advance notice.

3. Learned counsel for the petitioner submits that FIR was registered pursuant to directions issued under Section 156(3) Cr.P.C., and chargesheet has been filed by the prosecution with deficiencies and without invoking Section 409 of IPC. He further submits that though the matter is being monitored by the learned MM as well as directions have been issued for monitoring by the concerned DCP, but supplementary chargesheet has not been filed till date.

4. Learned ASC for the State on instructions submits that an endeavour shall be made to file the supplementary chargesheet within an outer limit of three months.

5. This Court is of the considered opinion that since IO has been changed on grievance raised by the petitioner and the matter is being monitored by the learned MM and directions have also been issued for



further monitoring of the investigation by DCP concerned, no further directions are called for in view of the statement of learned ASC for the State to file supplementary chargesheet within a period of three months.

Petition is accordingly disposed of. Pending applications, if any, also stand disposed of.

ANOOP KUMAR MENDIRATTA, J

JULY 11, 2024/akc