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

+ **W.P.(CRL) 2292/2024**

MOHD. FAIZAN @ MOHD. FAIJAN

.....Petitioner

Through: Mr.Ashutosh Bhardwaj, Advocate
versus

STATE (GOVT OF NCT, DELHI)

.....Respondent

Through: Mr.Amol Sinha, ASC (Crl.) for State
with Mr.Kshitiz Garg, Mr.Ashvini
Kumari and Ms.Chavi Lazarus,
Advocates alongwith Insp. Dheeraj
Kumar, P.S. Jafrabad.

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

ORDER

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31.07.2024

CRL.M.A. 22355/2024

Exemption allowed, subject to just exceptions.

Application stands disposed of.

W.P.(CRL) 2292/2024

1. Petition under Article 226 read with Article 21 of the Constitution of India and Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ('BNSS') has been preferred on behalf of the petitioner with the following prayer:

“pass a writ of mandamus or any other writ, order or direction thereby directing the Ld. Trial Court to conduct the trial expeditiously in FIR No.13/2021 U/s 302/34 IPC & 25/27 Arms Act, Police Station Jaffrabad, Delhi which is currently pending trial in the Hon'ble Court of Sh. Rajat Kumar, Ld. ASJ-07, Shahdara District, Karkardooma Courts, Delhi, titled as State Vs. Shahnawaj & Ors. S.C. No.288/2021 and to conclude the trial as expeditiously as possible, in the interest of justice.”

2. Issue notice. Learned ASC for the State appears on advance notice



and accepts notice.

3. Learned counsel for the petitioner submits that present FIR was registered on 13.01.2021 and till date, only one material witness, namely, Kasim Khan has been examined. It is pointed out that petitioner is in custody since 24.01.2021 and examination of remaining five material witnesses is also likely to take considerable time. In view of above, he prays that directions be issued for expeditious trial.

4. Learned ASC for the State submits that prosecution shall be making an endeavour to ensure appearance of material witnesses as and when dates for evidence are fixed by the learned trial court. He emphasizes that by and large, there is no lapse on the part of the prosecution for ensuring presence of witnesses, though the same is disputed by the learned counsel for the petitioner.

5. Considering the pendency and number of dockets before the trial courts, no directions are called for giving priority to the case of the petitioner, since the FIR pertains only to the year 2021.

However, learned trial court is directed to make an endeavour to examine material witnesses, in a time bound manner, and avoid an adjournment unless, it is absolutely necessary.

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

A copy of this order be forwarded to the learned trial court for information and compliance.

ANOOP KUMAR MENDIRATTA, J.

JULY 31, 2024/v