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

+ **W.P.(CRL) 2725/2024**

SAVELIFE FOUNDATION THROUGH MR. PIYUSH TEWARI

.....Petitioner

Through: Mr. Siddharth Luthra, Senior Advocate with Mr. Gautam Khazanchi, Mr. Sougat Pati, Mr. Kaustubh Chouhan, Ms. Suruchi Jaiswal, Ms. Tanishka Khatania and Ms. Aditi Kukreja, Advocates.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Amol Sinha, ASC (Crl.) for the State with Mr. Kshitiz Garg, Mr. Ashvini Kuamr and Ms. Chavi Lazarus, Advocates.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

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05.09.2024

CRL.M.A. 26740/2024 (Exemption)

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

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3. The Petition under Article 226 of the Constitution of India, 1950 read with Section 482 of CrPC has been filed on behalf of the petitioner, to issue directions to the learned Metropolitan Magistrate 03, South-East, Saket Court, to expeditiously conduct and conclude the trial in a time-bound manner, preferably within six months in the Criminal Case No. 6937/2018



arising out of FIR No. 96/2018 under Section 420 IPC, registered at Police Station Hazrat Nizamuddin.

4. It is submitted on behalf of the petitioner that the Charge-Sheet in the present case was filed on 10.10.2018 against the accused No. 1. The cognizance was taken and the Charges were framed against the accused No. 1, on 14.11.2018. The evidence of PW-1 was commenced. However, a Supplementary Charge-Sheet against the accused No. 2, was filed on 30.10.2019. In the past four years, the trial has not been proceeded further and is still pending at the stage of framing of Charge against the accused No. 2.

5. Learned counsel for the petitioner has submitted that the ordersheets show that the matter could not be taken up on 12 dates on account of absence of the accused persons and on two dates, an adjournment had been taken on behalf of the accused persons.

6. From the submissions made on behalf of the petitioner, it is quite evident that trial is not proceeding on account of absence of the accused persons. The petitioner/complainant may approach the Trial court for opposing any cancellation of the warrants that may be filed on behalf of the accused or may proceed, in accordance with law. As submitted, the matter is now listed for arguments on framing of Charge on 04.10.2024, against the accused No. 2. An endeavour be made by the learned Metropolitan Magistrate, 03, South-East, Saket Court, to ensure that the trial proceeds expeditiously and may also take effective steps to ensure the presence of the accused persons in the Court, considering that the complaint was made in April, 2018 and practically the case has not been able to move forward on merits.



7. With these directions, the Petition stands disposed of.

NEENA BANSAL KRISHNA, J

SEPTEMBER 5, 2024/RS