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

+ **CRL.M.C. 304/2024**

COMM. RAJIV SARDANA RETD

..... Petitioner

Through: Mr. Koonal Tanwar, Advocate along
with Petitioner (through video conferencing).

versus

STATE NCT OF DELHI & ORS.

..... Respondents

Through: Mr. Yudhvir Singh Chauhan, APP for
State with SI Manoj Kumar, P.S. Economic
Offences Wing.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

% **12.01.2024**

CRL.M.A. 1173/2024 (exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

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3. This petition has been filed under Section 482 Cr.P.C. on behalf of the Petitioner seeking framing of charges against the accused and expeditious disposal of the case arising out of FIR No.173/2015 dated 17.12.2015 registered under Sections 409/420/120-B IPC at PS: Economic Offences Wing, pending before the learned Trial Court.
4. As per the case set out by the Petitioner herein, in March 2015, a complaint was filed by the Petitioner alleging cheating and breach of trust by the accused, in connection with a space allotted to him measuring 1000



Sq. ft. in project “Kessel 1 Valley”. FIR No.173/2015 was registered on 17.12.2015 and charge sheet was filed against four accused on 27.10.2017. On 16.03.2018, two accused were declared proclaimed offenders by the Trial Court. Two supplementary charge sheets were filed on 17.01.2018 and 30.08.2018 respectively and five more accused were added. Between October, 2018 to April, 2019, some of the accused have been granted bail while others are on interim protection by this Court. Petitioner urges that no significant progress took place in the investigation between 2019 to 2021 constraining the Petitioner to file W.P. (Crl.) No.142/2021 on 29.01.2021 seeking further investigation by the police. Third supplementary charge sheet was filed on 08.02.2021. Vide order dated 09.11.2022, this Court directed the Trial Court to conclude arguments on charge within next two hearings and dispose of the case expeditiously. It is further averred that on 15.02.2023, this Court directed the Trial Court to pronounce order on charge on 25.02.2023 and while the order was pronounced on the said date, but till date, formal charges have not been framed and the trial is unnecessarily prolonging.

5. Learned counsel for the Petitioner submits that despite directions of this Court on two occasions, there is no substantial progress in the matter before the Trial Court and the prolongation of the trial is causing prejudice to the Petitioner as well as to nearly 3200 investors allegedly defrauded by the accused and therefore, this Court is called upon to direct the Trial Court to frame the charges against the accused on the next date and proceed with the trial expeditiously.

6. Issue notice.

7. Learned APP accepts notice on behalf of the State.



8. I have heard the learned counsel for the Petitioner and the learned APP. Indisputably, on a petition being filed by the Petitioner being Crl. M.C. 3426/2021, this Court had vide order dated 09.11.2022 directed the learned Trial Court to endeavour to conclude arguments on charge within the next two hearings and in case the charges were framed against the accused, the Trial Court shall endeavour to conclude evidence and dispose of the case as expeditiously as possible. In a subsequent writ petition being W.P. (Crl.) 241/2023 filed by the Petitioner, this Court had directed the Trial Court to pronounce the order on charge on 25.02.2023 after hearing arguments. Petitioner has annexed the order dated 25.02.2023 whereby the learned Trial Court has discharged all the accused for offences under Sections 409/420 IPC and framed charges under Sections 405/406/120-B IPC. Additionally, charge has been framed against two accused under Section 174-A IPC and the matter was posted for 13.03.2023 for framing of formal charges against all accused. The chronology of dates and events reflects that FIR was registered in the year 2015 and charge sheet was filed on 27.10.2017, followed by supplementary charge sheets, the third and last being filed on 08.02.2021. Two orders were passed by this Court, directing the Trial Court to proceed expeditiously. Order dated 15.02.2023 is extracted hereunder for ready reference:-

“On 09.11.2022, this Court had directed the learned Trial Court to endeavour to conclude arguments on charge within the next 2 hearings.

Thereafter, the matter has been taken up by the learned Trial Court on 8 occasions and somehow the arguments on charge have not been concluded. This is not an acceptable state of affairs.

It is directed that the learned Trial Court shall pronounce the order on charge on 25.02.2023 after hearing the arguments.

The order be communicated to the learned CMM today itself i.e. on 15.02.2023.



The application is disposed of in the aforesaid terms.

In the case the orders are not pronounced on 25.02.2023, the parties are at liberty to revive the petition.

The petition being W.P.(CRL.) 241/2023 also stands disposed of in the aforesaid terms.”

9. As noted above, order on charge has been passed by the Trial Court on 25.02.2023 and although the case was fixed for framing of formal charges on 13.03.2023, but there has been no progress and nearly a year elapsed since then. There is thus merit in the grievance ventilated by the Petitioner that the trial has been unnecessarily prolonged which is causing prejudice to him. During the hearing, it has transpired that two Revision Petitions being C.R. Nos. 127/2023 and 552/2023 are pending before the Revision Court and possibly the Trial Court record has been summoned. Be that as it may, the Trial Court is requested to make every endeavour to proceed with the matter as expeditiously as possible so that no prejudice is caused to the Petitioner by the trial being prolonged. Similar direction is issued to the Revision Court to proceed with the revisions pending before it expeditiously as the pendency of the Revision Petitions is impacting the trial before the Trial Court.

10. Petition is disposed of with the aforesaid directions.

JYOTI SINGH, J

JANUARY 12, 2024/kks