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

+ **W.P.(CRL) 412/2024**

SAURABH JAIN

..... Petitioner

Through: **Mr. Pratyush Chirantan,**
Advocate

versus

STATE NCT OF DELHI AND ANR. Respondents

Through: **Mr. Yasir Rauf Ansari,**
ASC for the State with
Mr. Mohit Raj Nagar,
Mr. Alok Sharma &
Mr. Vasu Agarwal,
Advocates with SI Naveen
Kumar, PS Keshav Puram.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

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06.02.2024

CRL.M.A. 3804/2024 (*delay in re-filing the petition*)

1. For the reasons stated in the application, the delay of 46 days in re-filing the petition is condoned.
2. The application stands disposed of.

W.P.(CRL) 412/2024

3. The present petition is filed under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973, *inter alia* seeking direction to the learned Trial Court to proceed with the trial expeditiously in FIR



No. 854/2014, under Sections 498A/406/506/34 of the Indian Penal Code, 1860 (hereinafter '**the FIR**').

4. The learned counsel for the petitioner submits that the chargesheet in the FIR was filed way back on 19.12.2014 and the charges were framed on 07.01.2019. Summons were issued to the complainant on 08.08.2019 and even though more than four years have lapsed since then, the complainant has not appeared for evidence. In such circumstances, the learned Trial Court ought to proceed further with the matter.

5. He further submits that the petitioner at the moment is posted in Mumbai and appearing on every date before the learned Trial Court causes grave hardship, especially when the complainant has failed to appear.

6. The orders passed by the learned Trial Court have been perused. It is apparent that the complainant despite issuance of bailable warrants has not appeared before the learned Trial Court for more than four years. In such circumstances, this Court considers it apposite to direct the learned Trial Court to expedite the trial.

7. The trial cannot be put on hold for the reason of one witness is not appearing for a long period of time. The learned Trial Court is requested to conclude the trial expeditiously and not postpone the trial for any unwarranted reasons.

8. The learned Trial Court is at liberty to proceed with the examination of other witnesses and pass appropriate orders in relation to the non-appearance of the complainant in accordance



with law.

9. The petition is disposed of in the aforesaid terms.

AMIT MAHAJAN, J

FEBRUARY 6, 2024/“hkaur”