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

+ **CRL.REV.P. 1147/2024**

ANAND SINGH

.....Petitioner

Through: Mr.Sunder, Mr.Ravi Prakash and
Mr.Praveen Kumar, Advts. with
petitioner in person.

versus

THE STATE NCT OF DELHI & ANR.

.....Respondents

Through: Mr.Satish Kumar, APP for the State
SI Gurtej Singh, PS J.P.Kalan and
ASI Pushpa, PS Jajafgarh

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

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17.09.2024

CRL.M.A. 27993/2024 (delay)

Present application has been filed for condonation of delay of 09 days in filing the petition.

For the reasons mentioned in the application, delay of 09 days in filing the petition is condoned.

The application stands disposed of.

CRL.M.As. 27991-27992/2024 (exemption)

Exemption are allowed, subject to all just exceptions.

The applications stand disposed of.

CRL.REV.P. 1147/2024 & CRL.M.A. 27990/2024 (stay)

1. Present revision petition has been filed challenging the order dated



27.05.2024 vide which the learned Additional Sessions Judge (FTSC) (POCSO)-02, Dwarka Courts, New Delhi has ordered for framing of charge under Section 354/354B/341 IPC and Section 8 of POCSO Act. Learned counsel for the petitioner submits that the learned trial court has passed the impugned order without recording any submissions of the petitioner. It has further been submitted that there is no reasoning given in the impugned order on the basis of which the learned trial court has reached to the conclusion that the prima facie case has been made out against the petitioner. It has been submitted that no evidence has yet been recorded.

2. Issue notice. Learned APP has accepted the notice.
3. At the outset, the court is of the view that the learned Additional Sessions Judge has not provided any reasoning or indicated his thought process in reaching the conclusion that prima facie charges under Sections 354, 354B, 341 of the IPC and Section 8 of the POCSO Act are made out against the accused persons. Reasons are the lifeline of judicial decisions. There are certain basic canons of the principles of natural justice, which include the right of the aggrieved party to challenge the same before the appellate court. In such cases, the appellate court must have the benefit of knowing the basis on which the impugned order was passed. The reasons in the judicial order may be brief are also an important facet of natural justice.
4. In ***Maneka Gandhi v. Union of India*** AIR 1978 SC 597, the Supreme Court held that any order violating the principles of natural justice, such as the right to be heard (audi alteram partem), is liable to be set aside. The Court ruled that the procedure must be fair, just, and



reasonable under Article 21 of the Constitution. In ***A.K. Kraipak v. Union of India*** 1969 2 SCC 262 , the Court reinforced that any decision made in violation of natural justice is null and void. The principles of natural justice aim to prevent the miscarriage of justice and apply even in the absence of explicit legal provisions. Therefore, any impugned order violating these principles must be quashed to ensure fairness and due process.

5. The impugned order, unfortunately, is devoid of any reasoning. Hence, the impugned order dated 27.05.2024 and the charges framed on 27.05.2024 are set aside. The matter is remanded to the learned trial court to conduct a fresh hearing on the point of framing of charges and to pass a detailed order providing reasons in accordance with the law.
6. The petition stands disposed of.

DINESH KUMAR SHARMA, J

SEPTEMBER 17, 2024

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