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

+ **CRL.M.C. 1117/2025**

DEEPAK KUMAR

.....Petitioner

Through: Mr. Rajat Gaur, Mr. Ramesh K. Sharma, Mr. Abhishek Sharma and Mr. Sujoy, Advs.

versus

STATE OF NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Satinder Singh Bawa, APP for the State with SI Akanksha, PS Bhalswa Dairy.

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

ORDER

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17.02.2025

CRL.M.A. 5071/2025

Exemption allowed, subject to just exceptions.

Application stands disposed of.

CRL.M.C. 1117/2025 & CRL.M.A. 5070/2025

1. Petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ('BNSS') read with Article 227 of the Constitution of India has been preferred on behalf of the petitioner for quashing of FIR No. 457/2021 under Sections 376/354B IPC registered at P.S.: Bhalswa Dairy. Chargesheet has been filed under Sections 376/354/354A/34 IPC.
2. Issue notice. Learned APP for the State appears on advance notice and accepts notice.
3. Learned APP for the State points out that though charge was framed in the proceedings pending before the learned Trial Court, however, no



reference to the same has been made in the petition. Further, there is no reflection if the order on charge was challenged by the petitioner.

4. Learned counsel for petitioner submits that case is pending at the stage of evidence and though the prosecutrix is represented by a counsel, she has failed to appear before the learned Trial Court for evidence.

5. At this stage, learned counsel for petitioner does not press the petition without prejudice to the rights and contentions of petitioner and prays that learned Trial Court be directed to record the statement of the prosecutrix in a time bound manner.

6. Considering the facts and circumstances, learned Trial court shall make an endeavour to record the testimony of prosecutrix, in a time bound manner.

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

FEBRUARY 17, 2025

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