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

+ **W.P.(CRL) 570/2025**

VIJAY SEHRAWAT

.....Petitioner

Through: **Mr. Hemant Singh, Advocate.**

versus

STATE GOVT. OF NCT OF DELHI

.....Respondent

Through: **Mr. Rahul Tyagi, ASC with Mr. Mathew M. Philip, Mr. Sangeet Sibou and Mr. Aniket Kumar Singh, Advocates for the State Inspector Ashok, Special Cell, NDR.**

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

18.02.2025

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CRL.M.A. 5187/2025

Exemption allowed subject to just exceptions.

The application stands disposed of.

W.P.(CRL) 570/2025

1. The instant petition under Articles 226 and 227 of the Constitution of India read with Section 528 of the Bharatiya Nagrik Suraksha Sanhita, 2023 (hereinafter “BNSS”) [earlier under Section 482 of the Code of Criminal Procedure, 1973 (hereinafter “Code”) has been filed on behalf of the petitioner seeking following reliefs:

“A. Issue an appropriate Writ/Order thereby directing the Trial Court i.e. Hon'ble Court of Sh. Chanderjit Singh, Ld.



ASJ-03, New Delhi District, Patiala House Courts, New Delhi] to expedite and conclude the trial of the present case [i.e. in Session Case No 285/2019 pertaining to FIR No 78/2018 registered U/S- 3/4 of MCOC Act with P.S- Special Cell, Delhi], in a fixed time frame on day to day basis, in the interest of Justice.

B. Call the Trial Court Record.”

2. The brief facts of the case are that one Mr. Satyawat Sehrawat Sonu Dariyapur is allegedly a desperate gangster and habitual offender of Police Station – Bawana, Delhi. It is alleged that Mr. Sonu Dariyapur created an organised crime syndicate with the objective of gaining pecuniary benefit or gaining undue economic and other advantages. The petitioner herein is one of the associates of Mr. Sonu Dariyapur and is allegedly involved in various cases committed over a period of time.

3. Accordingly, an FIR bearing no. 78/2018 is registered under Sections 3 and 4 of Maharashtra Control of Organised Crime Act, 1999 (hereinafter “MCOCA”) at Police Station – Special Cell, Delhi.

4. Aggrieved by the delay in trial proceedings in the instant case, the petitioner filed the instant petition seeking direction to the learned Trial Court to expedite and conclude the trial in a time-bound manner.

5. Learned counsel for the petitioner submitted that the petitioner was arrested on 13th December, 2018 and has been languishing in jail as an under-trial prisoner since then i.e., for a period of more than 6 years.

6. It is submitted that the prosecution has cited 66 witnesses in its chargesheet and in a period of over 6 years of trial, only 10 witnesses have been examined, thereby infringing his right of speedy trial as envisaged under Article 21 of the Constitution of India.



7. It is submitted that the inordinate delay of trial proceedings before the learned Trial Court and the continued incarceration of the petitioner in jail are violative of Article 21 of the Constitution of India, and therefore, it is prayed that the instant petition may be allowed.

8. *Per Contra*, learned ASC for the State vehemently opposed the instant petition and submitted that the petitioner is one of the associates of gangster Mr. Sonu Dariyapur and has been an active participant in the said organised crime.

9. It is submitted that the petitioner is involved in various cases, wherein eight FIRs have been lodged against him over a period of time for commission of different offences such as criminal intimidation, obstructing public servants to discharge their official duties, offences under Arms Act, 1959 etc.

10. It is submitted that since the instant case is voluminous and 66 witnesses have been cited in the chargesheet, a substantial period of time will be taken by the learned Trial Court in order to complete the trial. Therefore, it is prayed that the instant petition may be dismissed being devoid of any merit.

11. Heard learned counsel for the parties and perused the record, including the order-sheets of the learned Trial Court as well as the contents made in the instant petition.

12. Before advertng to the instant case, it is apposite for this Court to refer the case of ***Abdul Rehman Antulay v. R.S. Nayak*, (1992) 1 SCC 225**, wherein guidelines have been laid down by the Hon'ble Supreme Court regarding the right of speedy trial. With respect to fixing a time-limit for a trial, the Hon'ble Supreme Court observed as follows –



“86. In view of the above discussion, the following propositions emerge, meant to serve as guidelines. We must forewarn that these propositions are not exhaustive. It is difficult to foresee all situations. Nor is it possible to lay down any hard and fast rules. These propositions are:

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(10) It is neither advisable nor practicable to fix any time-limit for trial of offences. Any such rule is bound to be qualified one. Such rule cannot also be evolved merely to shift the burden of proving justification on to the shoulders of the prosecution. In every case of complaint of denial of right to speedy trial, it is primarily for the prosecution to justify and explain the delay. At the same time, it is the duty of the court to weigh all the circumstances of a given case before pronouncing upon the complaint. The Supreme Court of USA too has repeatedly refused to fix any such outer time-limit in spite of the Sixth Amendment. Nor do we think that not fixing any such outer limit ineffectuates the guarantee of right to speedy trial.”*

13. Keeping the foregoing principle in mind and upon perusal of the order-sheets of the learned Trial Court, it is observed that the proceedings before the learned Trial Court proceeded at a considerable pace given the voluminous character of the instant case. It is further observed that the charges levelled against the petitioner are serious in nature as the offence of organised crime is a crime against society, thereby compromising the safety and security of the public at large. Moreover, the instant FIR is registered against 17 accused, including the petitioner, and the investigating authority has arrayed 66 witnesses to prove the case of prosecution.

14. Considering that the criminal cases require substantial period of time to conclude trial, especially in cases involving crimes against society, and voluminousness of the instant case, this Court is of the view that the instant case is not a fit case to exercise its powers under Article 226 and 227 of the



Constitution of India or under Section 528 of the BNSS (Section 482 of the Code) and in view of the same, this Court does not find any merit in allowing the instant petition, at this stage.

15. Accordingly, the instant petition is dismissed alongwith pending applications, if any.

CHANDRA DHARI SINGH, J

FEBRUARY 18, 2025
NA/mk