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

+ CRL.M.C. 2601/2025, CRL.M.A. 11683/2025

MOHAN GUPTA

.....Petitioner

Through: Mr. Aditya Aggarwal and  
Ms. Shivani Sharma, Advocates.

versus

STATE GOVT. OF NCT OF DELHI

.....Respondent

Through: Mr. Amit Ahlawat, APP for State  
with Mr. Ramkishan, SI, ANTF  
Crime Branch.

**CORAM:**

**HON'BLE MR. JUSTICE SANJEEV NARULA**

**ORDER**

% **21.04.2025**

1. The present petition under Section 482 of the Code of Criminal Procedure, 1973<sup>1</sup> seeks the following reliefs:

*“a. Allow the present application and may direct the Learned trial court to examine the raiding team members within a stipulated time period as deem fit to this Hon'ble Court.*

*b. Any other relief which this Hon'ble court may deem fit in the facts and circumstances of the present case.”*

2. The Petitioner is an accused in FIR No. 54/2023, registered at P.S. Crime Branch under Section 21(c)/29 of the Narcotics Drugs and Psychotropic Substance Act, 1985.<sup>2</sup>

3. The Petitioner states that he has been in custody since 2<sup>nd</sup> March, 2023, and has spent nearly 2 years and 2 months in incarceration. Despite

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<sup>1</sup> “Cr.P.C.”

<sup>2</sup> “NDPS Act”



this considerable lapse of time, the charges have yet to be framed by the Trial Court. He further submits that in fact, this Court by order dated 4<sup>th</sup> April, 2025, has dismissed the regular bail application filed by the Petitioner. It is argued that continued incarceration with inordinate delay in trial, which is proceeding at a snail's pace, constitutes a violation of the Petitioner's fundamental right under Article 21 of the Constitution of India, 1950, by placing reliance upon Section 36 of the NDPS Act, the Petitioner urges that the Prosecution must expeditiously take necessary steps for the framing of charges followed by examination of witnesses, thereby affording the Petitioner an opportunity to establish his innocence in this case.

4. Mr. Amit Ahlawat, APP for the State, apprises the Court that the chargesheet in the present matter was filed on 20<sup>th</sup> August, 2023. However, he submits that the framing of charges is contingent upon the receipt of the FSL Report pertaining to the analysis of the mobile phone and SIM card recovered from the Petitioner. In this regard, it is submitted that a reminder was issued to the FSL on 20<sup>th</sup> January, 2025, followed by a subsequent reminder dated 11<sup>th</sup> April, 2025. Mr. Ahlawat states that that upon receipt of the aforementioned FSL report, the Prosecution shall proceed to advance arguments on the point of charge, without delay.

5. The Court has duly considered the contentions advanced by the parties. In light of the foregoing facts, particularly the prolonged delay of over two years in the framing of charges, the petition is disposed of with the following directions:

a. The FSL is directed to expedite the preparation and submission of the report in relation to the present case. The concerned DCP is instructed to follow up with the FSL for the said report.



- b. Upon the receipt of the FSL report, the Trial Court shall proceed to hear arguments on the point of framing of charge without any delay.
- c. Post framing of charges, the examination of members of the raiding team shall be conducted expeditiously.
- 6. With the above directions, the present petition is disposed of along with pending application.

**SANJEEV NARULA, J**

**APRIL 21, 2025**

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