



\$~33

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **TR.P.(CRL.) 31/2025 & CRL.M.A. 12806/2025**
RISHAV GAUTAMPetitioner

Through: Mr. Rajat Wadhwa, Mr. Gurpreet Singh and Mr. Manish Kumar, Advocates.

versus

STATE & ANR.Respondents

Through: Mr. Satish Kumar, APP for State.
SI Sushil Rawat, P.S. Kalkaji.
Mr. Anuj Aggarwal, Advocate for R-2.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **01.07.2025**

1. The present petition filed under Section 407 of the Code of Criminal Procedure, 1973¹ seeks consolidation of Criminal Case No. 5186/2021 which is pending before the Court of Judicial Magistrate First Class (Mahila Court)-02, South East District, Saket Courts and Criminal Case No. 7200/2021, pending adjudication before the Judicial Magistrate First Class-06, South East District, Saket Courts. The said cases emanate from cross FIRs wherein the Petitioner and Respondent No. 2 have been named as accused persons.

2. Since at the time of filing of the present petition, the Court of the Principal District and Sessions Judge, Saket, South East District was lying vacant, the Petitioner was constrained to invoke the jurisdiction of this Court.

3. However, counsel for the parties acknowledge that the vacancy has

¹ "CrPC"



now been filled and the Principal District and Sessions Judge can entertain an application for consolidation. Counsel for Respondent No. 2 apprises the Court that an application for consolidation of trials has also been filed by a co-accused which is listed on 3rd July, 2025.

4. In view of the above, without delving in the merits of the case, the instant petition is disposed of with the following directions:

(a) Petitioner, if so advised, is permitted to file a similar application for consolidation of the afore-noted cases before the Court of Principal District and Sessions Judge on or before 3rd July, 2025.

(b) Such an application shall be considered on its own merits in accordance with the law. Till such application is heard and decided by the Principal District and Sessions Judge, the order on charge in the impugned FIR No. 43/2021 shall be kept in abeyance.

5. It is clarified that the concerned Principal District and Sessions Judge shall decide the application, uninfluenced by any of the observations made by this Court and nothing in this order shall reflect the Court's opinion on the merits of the case. All rights and contentions of the parties to this effect are left open.

6. It is directed that none of the parties shall seek adjournments grounds before the Sessions Court in the proceedings relating to consolidation of the cases.

SANJEEV NARULA, J

JULY 1, 2025/as