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

+ **W.P.(CRL) 1619/2025& CRL.M.A. 15262/2025**

JAI PRAKASH AND OTHERSPetitioners

Through: Mr. Soumitra Chatterjee, Adv.

versus

STATE OF NCT OF DELHI & ANR.Respondents

Through: Mr. Sanjeev Bhandari, ASC (Crl.) for
State with Mr. Arijit Sharma, Mr.
Nikunj Bindal & Ms. Nishtha Dhall,
Adv.

SI Mahabir.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

19.05.2025

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1. This hearing has been done through hybrid mode.

CRL.M.A. 15263-64/2025 (Exemptions)

2. Allowed, subject to all just exceptions. Applications are disposed of.

W.P.(CRL) 1619/2025& CRL.M.A. 15262/2025

3. The present petition under Article 226/227 of the Constitution of India read with Section 528 of the BNSS seeks the following prayers:-

“I. To issue notice to the Respondent State directing it to show cause as to why the order dated 27.03.2025 passed by the learned Court of Principal District & Sessions Judge, District South, Saket Courts, New Delhi in Criminal Revision No.131 of 2025 titled as “Jai Prakash & Others Versus State of NCT of Delhi” be set aside.

II. Call for the trial Court records of the FIR Case No. 483/2000 titled as “State Versus Jai Prakash & Others” for perusal and examination by this Hon’ble Court and after perusing the same and after the perusal of the show cause, if any, shown by the Respondent State and upon examining the trial Court records, if



the same is not found to be in order, by this Hon'ble Court, set aside the impugned order dated 27.03.2025 passed by the learned Court of Principal District & Sessions Judge, District South, Saket Courts, New Delhi in Criminal Revision No.131 of 2025 titled as "Jai Prakash & Others Versus State of NCT of Delhi".

III. Pass any further order(s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.

AND FOR THIS ACT OF KINDNESS THE PETITIONER AS IN DUTY BOUND SHALL EVER PRAY."

4. Learned counsel appearing on behalf of the petitioners submits that *vide* order dated 07.02.2025, the learned Trial Court closed the defence evidence. It is pointed out that summons had been issued to witnesses mentioned at serial no.1 and 4 of the list of defence witnesses, which had come back served, however, witnesses were absent. It is submitted that despite service, the said witnesses had not appeared and, therefore, the learned Trial Court ought not to have dropped these witnesses and summoned them again. It is further submitted that the witnesses at serial no.7 and 8 were also dropped on account of the fact that the documents which were sought to be proved through them had already been exhibited and put to the witnesses for which the State had not taken any objection.

5. The aforesaid order was challenged by the petitioners by way of a revision petition which was dismissed by learned ASJ *vide* the impugned order dated 27.03.2025 upholding that the observation made by the learned Trial Court that there was no requirement to summon the defence witnesses mentioned at serial no. 7 and 8 of the list of defence witnesses and by further observing that the matter had been delayed extensively.

6. Learned Additional Standing Counsel, on advance notice has handed up in Court today a convenience compilation of various orders passed by the



learned Trial Court. He submits that the present petition has been filed on 15.05.2025, it is pointed out that the learned Trial Court *vide* order 17.04.2025 after hearing the arguments on the side of the accused and State had reserved the matter for final judgment, which is to be pronounced tomorrow i.e 20.05.2025. It is submitted that the present petition has been filed after the judgment had been reserved by the learned Trial Court. It is further submitted that the present case is more than 20 years old and is one of the 75 oldest cases in the district pending before the learned Trial Court.

7. Learned counsel appearing on behalf of the petitioners submits that the petition was filed on 29.03.2025, however, on account of the various objections raised by the registry, the nature of the same had to be changed, and therefore, the present petition was filed again on 15.05.2025.

8. Heard the learned counsel for the parties and perused the records.

9. One of the document sought to be produced through the proposed defence witness is a document which has been exhibited as Ex.PW17/SC1. It is pointed out that the aforesaid document is a certified copy of the file noting done by the then Commissioner (Housing) DDA which was part of a different case and the said document had been put to the Investigating Officer in his cross-examination. The other documents which are sought to be produced on record through the other proposed defence witnesses are replies to RTI issued from the Delhi Development Authority (DDA).

10. The learned ASJ while dismissing the present petition had observed that the certified copy of the relevant record had already been exhibited and been put to the Investigating Officer. The other documents sought to be placed on record are RTI replies dated 13.05.2008, 09.11.2006 and 05.02.2018. It is noted that in the present case, various witnesses from the



DDA had been examined, however, on a pointed query to learned counsel appearing on behalf of the petitioners it is stated that these documents were never put to any of these witnesses to elucidate their answers or explanation. Learned counsel submits that the document had been issued by the PIO and, therefore, these documents were not put to the said witnesses.

11. The order dated 26.04.2024 passed by the learned Trial Court further reflects that the summons were issued to the Commissioner (Housing), Vikas Sadan, INA, New Delhi, who was examined as PW-19. It is further reflected that the cross-examination of this witness was conducted on behalf of the petitioners however, these documents were again not put to this witness.

12. The order passed by the learned Trial Court is of 07.02.2025 and the impugned order in the revision petition challenging the said order was passed on 27.03.2025. The case history as put on record by the learned ASC shows that this petition was filed on 15.05.2025 and was listed on 16.05.2025 on the said date, learned ASC sought time to take instructions and today it is pointed out that the matter is fixed for final judgment tomorrow i.e. 20.05.2025 by the learned Trial Court.

13. In view of the above discussions, no grounds for interference is made out.

14. The petition is dismissed and disposed of accordingly.

15. Copy of the order be sent to the concerned learned Trial Court for necessary information and compliance.

16. Order be uploaded on the website of this Court *forthwith*.

AMIT SHARMA, J

MAY 19, 2025/nk/pr

Click here to check corrigendum, if any