



\$~54

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

+ **W.P.(CRL) 1686/2025 & CRL.M.A. 15778/2025**

AAKASH JHA

.....Petitioner

Through: Mr. Bharat Bhushan, Ms. Jyoti, Ms.
Riya Jha and Mr. Arjun, Advs.

versus

STATE NCT OF DELHI & ORS.

.....Respondents

Through: Mr. Yasir Rauf Ansari, ASC (Crl.)
with Mr. Alok Sharma, Adv.
SI Pradeep Kumar, PS Aman Vihar.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

%

21.05.2025

1. The present writ petition filed under Article 226 of the Constitution of India read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ (earlier Section 482 of Criminal Procedure Code, 1973²) seeks directions to the Respondents to make necessary arrangements for the Petitioner to appear in his Sixth Semester Diploma Examinations in Electronics Engineering (Medical Electronics), Session 2024-2025.
2. The Petitioner is in custody in relation to FIR No. 129/2023 dated 12th March, 2023, under Sections 302 and 34 of the Indian Penal Code, 1860³ and Sections 25 and 27 of the Arms Act, 1959⁴, at P.S. Aman Vihar. The Applicant has been pursuing his Diploma in Electronics Engineering

¹ "BNSS"

² "CrPC"

³ "IPC"



(Medical Electronics) since 2021 with Chotu Ram Rural Institute of Technology, Kanjhawala, New Delhi (Respondent No. 2). This Institute is affiliated with the Board of Technical Education, Government of NCT of Delhi (Respondent No. 3).

3. The Applicant interim bail application before the Additional Sessions Judge, North West District, Rohini Courts, Delhi has been rejected *vide* order dated 25th April, 2025, as the allegations against the Applicant were found to be serious in nature and certain eye witnesses were yet to be examined.

4. The Petitioner, instead of challenging the aforementioned order, has filed the instant petition seeking the following reliefs:

“a. Issue a writ of mandamus or any other appropriate writ, order or direction directing Respondent No. 2 namely Board of Technical Education, Government of NCT of Delhi and Respondent No. 3 namely Chotu Ram Rural Institute of Technology to accept the examination fees and make necessary arrangements, in coordination with Respondent No.1, to facilitate the Petitioner’s appearance in the Sixth Semester Diploma Examinations in Electronics Engineering (Medical Electronics), Session May 2025, through personal escort from judicial custody.

b. Pass such other or further orders as this Hon'ble Court may deem just, fit and proper in the facts and circumstances of the case and in the interest of justice.”

5. At the outset, on a query posed by the Court, Counsel for Petitioner acknowledges that as of today the Petitioner is rendered ineligible for writing the Sixth Semester Diploma Examinations as he has not attended the required number of classes.

6. In light of the foregoing, the jurisdiction of this Court is invoked seeking a direction to appear in the examinations for which the Petitioner is

⁴ “Arms Act”



not eligible.

7. After making some submissions, Counsel for Petitioner states that he would like to withdraw the present petition and file an appropriate petition impugning the relevant provisions which debar/render him ineligible to appear in the examination. Accordingly, he seeks leave and liberty of this Court.

8. Dismissed as withdrawn, with leave and liberty as aforesaid. If and when such a petition is filed, the same shall be examined on its own merits.

9. Once the Petitioner is found eligible for appearing in the examinations and Respondent No. 2 issues him an Admit Card, he shall be free to approach the appropriate Court for suitable directions to enable him to appear in the exams. Whenever such an application is filed, the same shall be considered on its own merits.

10. Pending applications (if any) are disposed of as infructuous.

SANJEEV NARULA, J

MAY 21, 2025/akc