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IN THE HIGH COURT OF DELHI AT NEW DELHI

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**CRL.A. 973/2025, CRL.M.A. 20046/2025 &
CRL.M.(BAIL) 1502/2025**

INSP JITENDRA KUMAR SINGHAppellant

Through: Appellant in person.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Ms. Richa Dhawan, APP
for the State.

SI Anil, PS Seemapuri.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

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05.08.2025

1. The appellant challenges the impugned orders dated 21.05.2025 and 23.05.2025, pursuant to which the learned Court of Sessions, noting the appellant's absence during the trial, despite service of notice, held him guilty for the offence under Section 389 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ('BNSS') and imposed a fine of ₹500/-.
2. The appellant was required to appear as witness on 21.05.2025 before the Court of Sessions in FIR No. 389/2017.
3. The appellant states that the matter was listed before the learned Court of Sessions on 21.05.2025 and on the said date, he had first gone to the Court of Sh. Atul Krishna Agarwal, learned Additional Sessions Judge in regard to evidence in FIR No.144/2019 under Sections 302/376(2) of the Indian Penal Code, 1860 in Tis Hazari Court.
4. He submits that the absence was not intentional and occurred as he was present before another Court. He submits that he ought not to be punished for the said reason.



5. He submits that on an earlier occasion, that is, on 22.04.2025, the appellant had to appear in the High Court. He relies upon the Court Notice issued by the concerned Court in support of his arguments.

6. He submits that the learned Court of Sessions was duly apprised of the said fact and an application was filed seeking recall of the order dated 21.05.2025. He submits that the learned Court of Sessions, however, dismissed the said application by the impugned order dated 23.05.2025 not finding the explanation to be sufficient and appropriate.

7. It is pointed out that the appellant has since appeared on 22.07.2025 and his evidence has already been concluded.

8. Undisputedly, the FIR was registered way back in the year 2017 and there has been delay in conducting the trial. However, the explanation provided by the appellant, in the opinion of this Court, is sufficient and the appellant ought not to be punished for the same. Such punishments can have a serious effect on the service record of the government officer.

9. In view of the above, the present appeal is allowed and the impugned orders are set aside to the extent that it holds appellant guilty of offence under Section 389 of the BNSS and imposes of fine of ₹500/-. Pending applications also stand disposed of.

AMIT MAHAJAN, J

AUGUST 5, 2025

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