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

+ CRL.M.C. 5916/2019

MS. M & ANR.

....Petitioners

Through: Mr. Virendra Singh, Advocate

versus

STATE

.....Respondent

Through: Mr. Mukesh Kumar, APP for the
State with SI Priyanka, PS Alipur

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

01.07.2025

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1. The present petition under Section 482 of the Code of Criminal Procedure, 1973¹ impugns the order dated 13th September, 2019 passed by the Additional Sessions Judge (Special FTC) North, Rohini Courts Delhi, in SC No. 515/2018. The Petitioners contend that by way of the impugned order, they have been summoned by the ASJ for recording of their evidence without first deciding the miscellaneous applications for sending certain medical exhibits for retesting, thereby violating the order dated 08th July, 2019 passed by this Court in CRL.M.C. No. 1665/2019.

2. Accordingly, following reliefs are sought:

- “(a) set aside the impugned order dated 13.9.2019 passed by Ld. A.S.J. (North) Rohini, Delhi in SC 1555/18 titled as State vs. Gaurav Sharma and anr.;*
(b) direct the Ld. Trial Court to decide the application for sending

¹ “Cr.P.C.”



medical exhibits for re-testing first in the light and wisdom of order dated 08.07.2019.

(c) stay the examination / recording of evidence of the Petitioner and her husband (PW-2) till final adjudication of the pending Misc. applications;

Pass any. order or further order which this Hon'ble Court deem fit and proper on the basis of the facts and circumstances in favour of the. Petitioner and against the Respondent."

3. During the pendency of the present proceedings, several orders were passed, including a detailed judgment dated 01st March, 2021, whereby certain directions were issued to the Trial Court for disposal of a pending application under Section 311 of the Cr.P.C as well to proceed with recording of the deposition of PW-2 and the victim/Complainant.

4. Be that as it may, subsequently, by way of a judgment of acquittal dated 18th November, 2021, the proceedings emanating from FIR No. 171/2018 under Sections 376, 506, 323, 328, 109, 120-B and 34 of the IPC registered at P.S. Alipur, which also form the subject matter of the present petition, finally stood concluded. The said judgment of acquittal dated 18th November, 2021 is under challenge in a connected case – i.e., CRL.A. 107/2022.

5. Therefore, the relief sought in the present petition, which pertains to the order dated 13th September, 2019, whereby the Prosecutrix and her husband were summoned for recording of the evidence, in the opinion of the Court, is rendered infructuous.

6. It is however clarified that, in the appeal proceedings against the judgment of acquittal – i.e., Crl. A. 107/2022, the Appellant shall be free to raise all such grounds as available in law, including those which pertain to the order dated 13th September, 2019, in case the same are found to be relevant for deciding the appeal.



7. With the above directions, the present is disposed of along with pending application(s), if any.

SANJEEV NARULA, J

JULY 1, 2025/ab