



\$~67

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.M.C. 5268/2025
SMT. RASHMIKABEN PATELPetitioner
Through: Mr. Varun Gupta, Advocate.

versus

THE STATE OF N.C.T. OF DELHIRespondent
Through: Ms. Priyanka Dalal, APP for the
State.
SI Vipin Kumar, PS – IGI Airport,
Delhi.

CORAM:
HON'BLE MR. JUSTICE ARUN MONGA

ORDER

%

05.08.2025

1. Claiming that she is under forced separation from her husband owing to the pending criminal proceedings, wherein one of the bail conditions imposed on her is not to leave the country, the petitioner/wife is before this Court seeking indulgence for the expeditious disposal of the trial/criminal proceedings, which have already been continuing inordinately for more than nine years.
2. Petition herein is under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 for issuance of appropriate directions and/or pass any other orders to conduct a speedy trial in Criminal Case No. 2077/2023 pending before the learned Additional Chief Judicial Magistrate, Patiala House Courts, New Delhi.
3. Briefly speaking, the case set up by the Petitioner, an under trial, is that she is a resident of Gujarat but her husband is settled in America for the past 12 years. She has not met him during this period due to the criminal proceedings arising out of an FIR bearing No. 232/2016 dated 26.04.2016 before the Trial Court at Patiala House, New Delhi. The FIR is registered



under Sections 419/420/468/471/120B of IPC and Section 12 of the Passport Act at Police Station IGI Airport. The charge sheet in this matter was filed in 2023, almost seven years after the FIR with cognizance taken on 07.01.2024. On the other hand due to her bail condition petitioner she could not travel without even the commencement of trial before the concerned Court.

4. In the aforesaid backdrop, I have heard the learned counsel for the petitioner and learned APP who appears on advance service of the petition.

5. Ordinarily, this Court would be reluctant to entertain such petitions, as the one in hand, considering the heavy pendency of work before the learned Trial Courts, and any interference by this Court in either controlling the functioning or altering the daily cause list would effectively amount to impeding the Trial Court's discretion to manage its work as per its own priorities or the urgency warranted in matters listed on a day-to-day basis.

6. This Court is fully conscious that there are cases pending for much longer durations than the present one and involving matters of far higher priority in terms of urgency for a speedy trial.

7. However, instant case stands on a peculiar footing as the petitioner submits that not only has her liberty been curtailed all these years during the pendency of the criminal proceedings, but she has also been deprived of matrimonial reunion with her husband, who is stated to be settled in America.

8. Due to the nature of his Visa, her husband is unable to visit her in India, while on the other hand, she herself is unable to travel abroad to meet him because of the bail conditions, as already noted. She states that she has not been able to meet her husband for the past 12 years owing to the pendency of this case as well as another trial of a similar nature.



9. Be that as it may, the petition is disposed of with an expectation that the learned Trial Court will, as far as possible, shall give priority to the petitioner's case depending upon the daily cause list. It is further expected that the Trial Court will avoid granting unnecessary adjournments at the instance of the prosecution unless such adjournments are otherwise warranted, at its own discretion, based on the work exigencies of the Court.

ARUN MONGA, J

AUGUST 5, 2025/rs