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

+ **CRL.REV.P. 1191/2024, CRL.M.A. 29777/2024**

AVADH RAJ SINGH @ SATYAM

.....Petitioner

Through: Mr. Medhanshu Tripathi and Mr.
Tushar Tokas, Advocates

versus

STATE OF NCT OF DELHI AND ANR & ANR.Respondents

Through: Mr. Manoj Pant, APP for the State
with Mr. Mukesh Kumar Sharma and
Ms. Shalini Singh, Advocates with SI
Madhuri.

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER
12.02.2025

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CRL.M.A. 29778/2024 (exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

CRL.REV.P. 1191/2024

3. The instant petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereafter 'BNSS') has been filed on behalf of the petitioner, seeking the following reliefs:

"A. Call the case record from the trial court of ASJ-01 (POCSO), S-E Distt., Saket Court, New Delhi,

B. Stay the trial proceedings pending before the Ld. trial court till the finalisation of the instant petition,

C. Allow the instant Crl, Rev. Petition u/s 438 r/w 442 & 528



BNSS 2023 and quash the order of framing of charges dated 11.12.2023 & 05.09.2024 & charges framed u/s 376, 506 of IPC r/w section 6 of POCSO vide order dated 05.09.2024. D. Discharge the petitioner from all the charges in the instant case FIR no 263/2023, P.S. Pulpehladpur, Delhi E. Any other order which the court may deem fit and proper in the facts and circumstances of the case may be also passed in favour of the Petitioner.”

4. The learned counsel appearing on behalf of the petitioner draws this Court’s attention to the order dated 05.09.2024 of the learned Trial Court. Concededly, the petitioner herein had appeared before the learned Trial Court for the first time on 05.09.2024, after he was granted anticipatory bail by this Court. There was no appearance on behalf of the present petitioner before the learned Trial Court before that. There was no compliance of the mandate of Section 207 of Cr.P.C.

5. Further, the petitioner was also not granted opportunity to address arguments on charge. Needless to state, that the charges that the accused is facing are under Section 376/506 of IPC and Section 6 of POCSO Act. Charges could not have been framed against the accused without compliance of Section 207 of Cr.P.C. (as is stood then) and hearing him on charge. In view thereof, the order of framing of charge qua the present accused is set aside, the case is remanded back for hearing arguments on charge against the accsued. There is no need of compliance of Section 207 of Cr.P.C., now, since the learned counsel appearing for the petitioner states that he has received the copy of the chargesheet and annexures thereto. The learned Trial Court will however ensure that since one of the accused is in judicial custody in this case, arguments on charge will be heard expeditiously. The next date of hearing before the learned Trial Court for recording of evidence



of the prosecution witnesses is 28.02.2025, the learned Trial Court is requested to adjourn the matter to a date in the second week of March, 2025 for the purpose of recording of evidence and will ensure that the arguments on charge are heard and decided qua present accused on 28.02.2025

6. It is also directed that no adjournment will be taken by the learned APP for the State or learned counsel for the petitioner.

7. With the above, observations the present petition along with pending application stands disposed of.

8. The order be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

FEBRUARY 12, 2025/zp

[Click here to check corrigendum, if any](#)