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

+ **CRL.M.C. 7791/2025 & CRL.M.A. 32617/2025**

AMIT PATERIYA

.....Petitioner

Through: Mr. Akshay Bhandari, Ms. Megha Saroa, Mr. Janak Raj Ambavat, Mr. Anmol Sachdeva and Mr. Kushal Kumar, Advocates

versus

STATE GOVT OF NCT OF DELHI

.....Respondent

Through: Mr. Ajay Vikram Singh, APP for the State with Insp. Ravinder Singh

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

06.11.2025

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1. Petition under Article 226 of Constitution of India read with Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 has been filed on behalf of the Petitioner for directions to the learned Trial Court for framing of charges in the FIR No. 0383/2023 registered under Sections 302/201/120B/34 IPC and Section 25/27 Arms Act.
2. It is submitted that the Petitioner is in judicial custody since 19.10.2023. The Chargesheet has been filed before the learned ASJ. The Petitioner conceded to framing of charges on 08.07.2025 but the same are not being framed as the FSL Report is awaited in respect of the fire arm.
3. The learned Trial Court from 08.07.2025 to 10.10.2025, has written 05 letters for the FSL Report to be submitted expeditiously. It is submitted that despite the directions, the FSL Report is not forthcoming.



4. Learned Prosecutor also concedes that despite repeated writing letter to the FSL, the Report is not forthcoming.

Submissions heard.

5. Once the charges under Section 302 IPC has been conceded, they must be framed and may not be withheld only for the purpose of FSL Report, which is pertinent for the offence under Section 25/27 Arms Act, as it is causing unnecessary delay in the trial.

6. Considering the charges are under Sections 302/411/120B/34 and also under Sections 25/27 Arms Act and that the FSL Report is essentially pertinent for the charge under Arms Act, the learned Trial Court is directed to proceed in accordance with law and frame the charges for the offences under Sections 302/411/120B/34 IPC and may consider framing the charges under the Arms Act on receipt of the FSL Report and commence recording of evidence to whatever extent it is possible, as there may be some evidence which can be recorded in the absence of the FSL Report and the charges under Sections 25/27 Arms Act, in order to avoid any inordinate delay.

7. However, this Order be also forwarded to Director, FSL to ensure that the FSL Report is prepared and forwarded to the learned Trial Court considering that it is a heinous offence of murder and the trial is being withheld only for want of FSL Report.

8. Petition alongwith pending Application, is accordingly disposed of.

NEENA BANSAL KRISHNA, J

NOVEMBER 6, 2025

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