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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 12.05.2026

+ **CRL.M.C. 3689/2026 & CRL.M.A. 14961/2026**

AZAD SAIFI

.....Petitioner

Through: Mr. Krishna Kumar Keshav,
Advocate.

versus

AKHTAR ALI

.....Respondent

Through: None

CORAM: JUSTICE GIRISH KATHPALIA

J U D G M E N T (ORAL)

1. This is a classic case of abuse of the procedural law, whereby the petitioner has been repeatedly trying to stall trial of the criminal complaint case, which was instituted way back in the month of July, 2016. The petitioner was repeatedly granted indulgence by the Court of Sessions as well as this Court and matter was repeatedly remanded, but the petitioner opted not to avail the advantage of that indulgence. Not just this, the petitioner even submitted complete falsehood before the Court of Sessions.

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With this backdrop, in pre-lunch session I heard Mr. K. K. Keshav, Advocate on behalf of the petitioner and at his request I passed over the matter to this post lunch session so that the *vakalatnama* signatory counsel Ms. Tanya Aggarwal would appear and address arguments. But even in this post lunch session, Ms. Tanya Aggarwal, Advocate has opted not to appear. Mr. K. K. Keshav, Advocate submits that since he is a signatory to the petition, he may be heard. As such I have heard him at length.

2. Broadly speaking, the circumstances relevant for this case are as follows.

2.1 In the criminal complaint instituted by the present respondent on 11.07.2016, the petitioner/accused was summoned and he appeared before the trial magistrate on 08.12.2016.

2.2 After as many as seven adjournments taken by the petitioner/accused, notice under Section 251 CrPC was framed on 19.07.2017.

2.3 The petitioner/accused was given opportunity to cross-examine the complainant, but he absented on 14.09.2017 and thereafter on 18.11.2017 also he sought adjournment.

2.4 Finally, on 13.12.2018, right of the petitioner/accused to cross-examine the complainant was closed.

2.5 Thereafter, the petitioner/accused stopped appearing and was ultimately declared as an absconder on 27.02.2020.

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2.6 The order dated 27.02.2020 of the trial court was challenged by the petitioner/accused before this Court, and vide order dated 18.10.2022 of this Court, the trial court order dated 27.02.2020 as well as order dated 13.12.2018 were set aside.

2.7 Again, petitioner/accused was granted a number of opportunities to cross-examine the respondent/complainant, which he did not avail and finally on 04.05.2023, once again opportunity to cross-examine respondent/complainant was closed by the learned trial magistrate.

2.8 The petitioner/accused once again challenged that order dated 04.05.2023 by way of revision proceedings, which were allowed by the Court of Sessions vide order dated 16.09.2023, granting yet another opportunity to the petitioner/accused to cross-examine the respondent/complainant subject to payment of costs of Rs. 10,000/-.

2.9 But once again the petitioner/accused did not appear on 17.02.2024 and his counsel sought adjournment to cross-examine the respondent/complainant; but since neither the cost was paid nor any reason was assigned, the learned trial magistrate again closed opportunity to cross-examine the respondent/complainant.

2.10 Order dated 17.02.2024 of the trial magistrate was again assailed by way of revision proceedings by the petitioner/accused. In the revision proceedings, the petitioner/accused submitted that he could not appear before the trial magistrate on 17.02.2024, because he had to get his maternal

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uncle Shaukat Ali admitted in the hospital on 15.02.2024, since son of Shaukat Ali was not in town. In support of this plea, the petitioner/accused also filed photocopy of medical record dated 15.02.2024 of Shaukat Ali. It is on perusal of that medical record, the learned Court of Sessions discovered that the petitioner/accused had raised a false explanation. For, the medical record categorically showed presence of son of Shaukat Ali in the hospital on 15.02.2024. Obviously, the petitioner/accused told a lie before the Court of Sessions. But even the said revision petition filed by the petitioner/accused was beyond limitation, so he supported the same with an application under Section 5 of the Limitation Act, pleading that he could not file the revision petition in time because his maternal uncle passed away on 28.03.2024 and further on account of sudden death of his daughter, he went into deep mental pain, so he contacted his counsel only in the last week of May, 2024 but thereafter, summer vacation started. However, after thorough examination of the trial court record, the learned Court of Sessions discovered that the unfortunate death of daughter of the petitioner/accused had occurred way back on 21.04.2023, while his uncle passed away on 28.03.2024. Holding that no sufficient grounds were made out to condone the delay in filing the revision petition, the learned Court of Sessions dismissed the application under Section 5 of the Limitation Act and consequently the revision petition as well. Hence the present petition.

3. Learned counsel for petitioner/accused submits that it was only a matter of confusion that he took a plea before the Court of Sessions that son

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8. Accompanying application also stands disposed of.

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(JUDGE)**

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