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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.M.C. 4357/2026, CRL.M.A. 17574/2026
SANDEEP KUMAR @ SANJIV KUMARPetitioner
Through: Mr. Chandan Kumar Mandal, Adv.
versus
THE STATE (G.N.C.T.D)Respondent
Through: Ms. Kiran Bairwa, APP for the State.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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29.05.2026

By way of the present petition filed under section 528 read with sections 355/530 of the Bharatiya Nagarik Suraksha Sanhita 2023 ('BNSS'), the petitioner impugns order dated 11.04.2026 passed by the learned Additional Sessions Judge, West District, Tis Hazari Courts, Delhi in case bearing SC No. 57698/2016, whereby the learned sessions court has rejected the petitioner's application filed under sections 228/355 BNSS seeking exemption from personal appearance.

2. The petitioner is facing trial in case FIR No. 1037/2015 registered under sections 363/376-D/506/120-B-34 of the Indian Penal Code, 1860 and section 6 of the Protection of Children from Sexual Offences Act, 2012 at P.S.: Ranhola, Delhi.
3. Mr. Chandan Kumar Mandal, learned counsel appearing for the petitioner submits, that the petitioner had sought permission to join the proceedings before the learned trial court *via* video-conferencing by reason of his ill-health, namely that he was suffering from cough,



cold and typhoid and that he has a long history of jaundice and was therefore not in a position to appear before the court on that date.

4. Learned counsel submits, that while the learned sessions court granted to the petitioner exemption from appearing physically on 11.04.2026, the petitioner was directed to remain physically present on the next date of hearing; and further, to furnish medical documents, in case he seeks permanent exemption from appearing physically.
5. It is noticed however, that the application moved by the petitioner was not under section 530 of the BNSS, which section has been newly introduced in the statute and reads as follows:

530. Trial and proceedings to be held in electronic mode.—
All trials, inquiries and proceedings under this Sanhita, including—
(i) issuance, service and execution of summons and warrant;

(ii) examination of complainant and witnesses;

(iii) recording of evidence in inquiries and trials; and

(iv) all appellate proceedings or any other proceeding,

may be held in electronic mode, by use of electronic communication or use of audio-video electronic means.

(emphasis supplied)

6. Mr. Mandal submits, that proceedings in the subject FIR have been going-on *since 2016*; that the petitioner is ordinarily a resident of Samastipur, Bihar; and since the petitioner is a daily wage labourer it is onerous for him to appear physically before the learned sessions judge in Delhi.
7. Upon considering the submissions made, and since the petitioner has not moved an application under section 530 BNSS seeking permission to join the trial court proceedings *via* electronic mode, but had only



sought exemption from appearance on a given date, the present petition is dismissed as being without merit.

8. That being said, the petitioner shall be at liberty to seek permission of the learned sessions court to join the proceedings *via* electronic mode, as is now permissible under section 530 of the BNSS, *for the dates on which his physical appearance is dispensable*.
9. Furthermore, considering that the matter has been pending since 2016, the petitioner shall also be at liberty to move an appropriate application before the learned sessions court, seeking expeditious disposal of the proceedings.
10. The petition is disposed-of in the above terms.
11. Pending applications, if any, also disposed-of.

ANUP JAIRAM BHAMBHANI, J

MAY 29, 2026/V.Rawat