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

+ **CRL.M.C. 10141/2024 & CRL.M.A. 38930/2024**

SAMUNDAR SINGH

.....Petitioner

Through: Mr. Sanjeev Goyal, Mr. M. Minhal
Mehd and Ms. Shruti Bansal,
Advocates

versus

**STATE GOVT. OF NCT OF DELHI THROUGH
SHO P S PASCHIM VIHAR**

.....Respondent

Through: Mr. Manoj Pant, APP for the State
with SI Pooja No. D-2936 P.S.
Paschim Vihar East

CORAM:

HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

ORDER

18.03.2026

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1. By way of the present petition, the petitioner seeks setting aside of the impugned order dated 07.12.2024, passed by the learned Trial Court, *vide* which the application filed by the petitioner seeking exemption to file affidavit of his assets and liabilities in terms of decision of the Full Bench of this Court in ***Karan v. State of NCT of Delhi: 277 (2021) DLT 195 (FB)***, was dismissed, and he was directed to file his affidavit in a sealed cover, prior to conclusion of trial.

2. The learned counsel appearing for the petitioner/accused submits that the petitioner is facing trial for offences under Sections 376(2)(n)/324/506 of the IPC, in FIR bearing no. 690/2014, registered at Police Station Paschim



Vihar, West Delhi, for commission of offences punishable under Sections 376/506 of the IPC, and the matter is presently at the stage of final arguments. It is submitted that *vide* orders dated 25.10.2024 and 07.11.2024, the learned Trial Court had recorded the statement of the petitioner that he would file an affidavit in terms of the decision in **Karan** (*supra*). However, the petitioner thereafter moved an application seeking exemption from filing such affidavit on the ground that the requirement of filing an affidavit of assets and liabilities, as contemplated in the aforesaid judgment, arises only post-conviction; but the said application was dismissed by the learned Trial Court *vide* the impugned order dated 07.12.2024.

3. The learned counsel contends that the learned Trial Court failed to appreciate that such a direction could be issued only upon conviction of the accused-petitioner, and not at the stage of trial. It is thus submitted that, the matter being at the stage of final arguments and the presumption of innocence operating in favour of the petitioner, no such direction to file the affidavit, even in a sealed cover, could have been passed by the learned Trial Court.

4. This Court notes that the Predecessor Bench, *vide* order dated 23.12.2024, after considering the submissions advanced on behalf of the petitioner, had stayed the operation of the impugned order. It was, inter alia, observed as under:

“11. Having regard to the submissions made by the learned counsel for the petitioner, as well as, taking into account the relevant directions in **Karan** (*supra*), more particularly those contained in paras 169, 173 and 174 thereof, from where it is *prima facie* clear that direction to the accused to file affidavit can be given only after his conviction, the operation of the impugned order is stayed till the next date...”



5. This Court has also perused the decision of the Full Bench in **Karan** (*supra*) and finds that the direction to an accused to file an affidavit of income and assets was contemplated for the purpose of determination of compensation to the victim, to be undertaken after conviction. Thus, such a direction could only be issued post-conviction, upon conclusion of trial, and not during the pendency of trial. This is evident from paragraph 173 of the said judgment, which reads as under:

“173. After the conviction of the accused, the Trial Court shall direct the accused to file the affidavit of his assets and income in the format of Annexure-A within 10 days.”

6. In view of the aforesaid, the impugned order cannot be sustained in law and is accordingly set aside.

7. It would, however, be apposite to note that the aforesaid directions issued in **Karan** (*supra*) have subsequently been set aside by a Five-Judge Bench of this Court in **Saif Ali v. State (NCT of Delhi): 2025 SCC OnLine Del 291**. Consequently, in all pending trials, no affidavit of assets is now required to be filed by a convict. The concluding observations in **Saif Ali** (*supra*) are as under:

“53. In the light of the aforesaid, we are of the considered view that the directions issued by the Full Bench in **Karan** (*supra*) for associating the DSLSA for determining the quantum of compensation, if any, to be awarded under Section 357 of the Cr.P.C. (Section 395, BNSS) are unsustainable and are required to be set aside. We, accordingly, declare that the guidelines issued by the Full Bench in paragraph nos. 169 to 187 of **Karan** (*supra*), would no longer be operative and, therefore, will not be required to be followed any further by the Trial Courts in any pending trials. This would, however, not have any impact on cases where the trial already stands concluded with the sentence being awarded after following the procedure laid down under these guidelines. In view of our



aforesaid conclusion, that the guidelines issued in *Karan (supra)* are liable to be set aside, we do not deem it necessary to deal with the submission of the learned Amicus Curiae that the guidelines may be modified to reduce the delay in passing of orders on sentence and compensation.

54. Having said so and making it clear that the guidelines set out in *Karan (supra)* would no longer be enforceable, we direct that the learned Trial Courts would, while passing orders of compensation, if any, to the victims under Section 357 Cr.P.C. (Section 395, BNSS) adopt a victim centric approach. In determining the compensation, if any, payable, under Section 357, Cr.P.C., the Trial Court may take into account the income and assets of the accused and any other factors as may be deemed appropriate, for which purpose information may be elicited not only from the I.O./prosecuting agency but also from the accused, who will, however, not be asked to make any statement on oath or by way of an affidavit. We however make it clear that this order will not preclude the learned Trial Courts from seeking assistance of the DSLSA, as and when deemed necessary. Needless to state, these directions will have also no effect on the manner in which compensation is required to be awarded under Section 357A, Cr.P.C. (Section 396 BNSS) after consultation with the DSLSA.”

8. The present petition, alongwith pending application if any, accordingly, stands disposed of in above terms.
9. The order be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

MARCH 18, 2026/ns

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