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

+ **CRL.L.P. 248/2018**

STATE (GOVT. OF NCT OF DELHI)

.....Petitioner

Through: Mr. Sanjeev Sabharwal, APP for State
with IO/SI Rekha Chauhan.

versus

DEEPAK KUMAR

.....Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER

05.01.2026

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1. This Criminal L.P. seeks to challenge acquittal of the respondent for offence under Section 365/34 IPC and Section 395 IPC. The judgment impugned in the present petition is dated 15.01.2018. The petition came up for hearing before the predecessor bench on 18.04.2018. Thereafter, till date across so many adjournments, steps were never taken by the State to serve notice of the petition on the respondent. On last date i.e., 15.04.2025, the predecessor bench took a note of defaults of last seven years and explicitly recorded that the prosecution does not seem to be interested in pursuing the matter. Despite that observation, no steps have been taken for issuance of notice to the respondent for this day.

2. This inaction on the part of the State over a period of about eight years in even taking steps for issuance of notice to the respondent appears to be something more than mere lethargy or even negligence. It needs to be



probed if there was any deliberate inaction on the part of the State machinery with any oblique purpose.

3. The petition is dismissed for non prosecution.

4. Copy of this order be sent to the Commissioner of Police in order to carry out inquiry on above lines.

5. Learned APP submits that after last date, the IO tried to locate the current address of the respondent but could not succeed and in this regard he has submitted a two page “Service Report” dated 04.01.2026, signed by SHO of PS Pandav Nagar. The said report is accepted across the board, to be scanned and made part of the record. But this report is completely silent about any serious effort done. No date has been mentioned when any such effort was carried out. Most importantly, there is no explanation as to why the State opted not to file an application after last date (15.04.2025), till date, seeking time to locate address of the respondent. This report appears to be complete eyewash, that too despite observation of the predecessor bench passed on last date.

GIRISH KATHPALIA, J

JANUARY 5, 2026/ry