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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 243/2018 & CRL.M.A. 936/2018**
ASSOCIATION FOR THE VICTIMS OF UPHAAR TRADEGY

..... Petitioner

Through Mr. Karan Khanuja, Mr. Tushar
Agarwal, Advs. with President of the
petitioner society.

versus

THE STATE GOVT OF NCT OF DELHI Respondent

Through Ms. Sanya Sud, proxy counsel for R1.
None for R2 to R7.

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

% **04.12.2018**

In terms of the proceedings dated 05.03.2018, the learned Trial Court had been directed to complete the entire proceedings in the case in relation to case No. 89858/16 arising out of the FIR no. 207/06 PS EOW pending before the learned CMM, Patiala House Court, New Delhi with pronouncement of judgment in the matter by the date 30.11.2018.

Vide the said order, the State and the learned counsel for the accused were directed to assist in the endeavour for completion of the proceedings.

Vide order dated 05.03.2018 itself, a status report had been called for the dated 07.09.2018 which status report was received thereafter for the date of hearing 30.10.2018 and in view of the report received directions were thus issued to the learned District & Sessions Judge, Head Quarter, Tis

Hazari Courts, to ensure the production of the records from the Record Room (Sessions) and of the Administrative Branch-II of the Tis Hazari Courts before the learned Trial Court of the CMM, New Delhi on each and every day for which the record was requisitioned without default. A status report of the proceedings conducted till the date 20.11.2018 was also called for.

A status report dated 28.11.2018 which includes the request of the learned CMM, Patiala House Courts, New Delhi seeking extension of time for completion of the proceedings in relation to the FIR No. 207/06 PS EOW has been received in a sealed envelope, which is now opened in open Court, vide which it has been stated that the matter was listed for the cross-examination of PW-8 but the said witness could not be cross-examined as one accused named Anoop Singh was absent (who as per the memo of parties arrayed as the respondent no. 5 herein), and NBWs had thus been issued against him for 05.12.2018 qua which it is submitted that the application seeking cancellation thereof is pending. The learned Trial Court has also stated through the said report that there are five accused persons each having engaged a separate lawyer and every witness is cross-examined by each lawyer separately which takes considerable time and some time recording of evidence continues upto 3 p.m. and out of 49 witnesses cited in the charge-sheet, only 12 witnesses have been examined till 27.11.2018 with three witnesses namely Sh. R.S. Verma, SI Jirender and Sh. Gajender having been dropped by the learned Special PP being formal and repeated witnesses and thus there are 37 witnesses that remain to be examined.

The President of the petitioner society submits that atleast five dates

of hearing be directed to be fixed before the learned CMM, Patiala House Courts, New Delhi in view of the matter being very old.

The learned CMM, Patiala House Courts, New Delhi has *inter alia* submitted through the report that the said Court has a heavy pendency of a total 2022 cases, out of which around 156 cases fall in the category of more than ten year old matters in which some are pending at the stage of charge and in each case, the record is bulky and on an average 50 witnesses have been cited by the prosecution in each case and that the said learned CMM, Patiala House Courts, New Delhi has joined this Court on 11.09.2017 and is making best efforts to dispose of all the old matters expeditiously including present case of FIR no. 207/06, PW EOW which also falls in the category of 10 year old matters and short dates are being given for expeditious disposal of this case and that the learned CMM, Patiala House Courts too is also looking after Administrative work on day to day basis and also disposing miscellaneous applications.

It is submitted on behalf of either side that presently there are only two days of hearing in a week given in the matter.

Taking into account the pendency reported in the status report dated 28.11.2018 of the learned CMM, Patiala House Courts, New Delhi with directions dated 05.03.2018 for the expeditious disposal of the Trial Court in relation to FIR No. 207/06 PS EOW, in view of the status report that there are 37 witnesses that remain to be examined, the learned Trial Court is directed to fix atleast three dates of hearing in the matter per week and is called upon to endeavour to complete the trial in the proceedings with pronouncement of judgment by 15.07.2019.

A status report is called for of the status of the proceedings in the learned Trial Court for the date 18.02.2019.

Copy of this order be sent to the learned Trial Court through the learned District and Sessions Judge, New Delhi.

Copy of the order be given Dasti under the signatures of the Court Master.

ANU MALHOTRA, J

DECEMBER 04, 2018/MK