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

+ W.P.(CRL) 2329/2021

AMIT KUMAR AND ORS Petitioners

Through: Mr. Ajay Kumar Pipaniya, Ms.
Pallavi Pipaniya, Mr. Akash Sethi,
Mr. Sandeep Kumar Chhikara, Mr.
Deepak Mathur, Mr. Lakshay Tomar,
Advs.

versus

STATE (GOVT OF NCT OF DELHI) AND ANR..... Respondents

Through: Mr. Avi Singh, ASC for State, Insp.
Mangesh Tyagi, Crime Branch, Delhi

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER
25.04.2022

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CRL.M.A. 2824/2022

This is an application on behalf of the petitioners u/s 5 of the Limitation Act read with 482 Cr.P.C. seeking condonation of delay in filing amended W.P.(CRL) and the additional affidavits in W.P.(CRL) No. 2329/2021 which is listed on 11.02.2022.

For the reasons stated in the application, the delay is condoned.

W.P.(CRL) 2329/2021

This is a petition seeking conducting of trial in FIR No. 218/2021, registered u/s 308/325/323/341/506/188/269/34 IPC at P.S. Model Town

dated 05.05.2021 in any other District Court other than Rohini Court Complex.

It is submitted by the petitioner that the co-accused persons are notorious persons based in nearby areas of Rohini District Courts or adjoining border areas of Haryana in close proximity and having direct access to Rohini area which is causing great apprehension in the minds of the petitioners. The petitioners apprehend that it would not be safe or secure for them to go for deposition in Rohini Court Complex. The petitioners have also drawn my attention to the minutes of the meeting of the committee to comply with the directions contained in Witness Protection which held that the threat analysis report indicates that the threat perception of the witness is real.

On the other hand, Mr. Avi Singh, learned ASC for the State, has drawn my attention to status report of more particularly para 5 which read as follows:

“5. The Hon'ble Principal District & Sessions Judge (North) has already been ordered on 07.06.2021 that "Police protection 24x7 be provided to all the victims/witnesses of the case. Subsequently, all the four victims of the case namely (1) Jaibhagwan @ Sonu, (2) Amit, (3) Bhagat @ Bhagtu and (4) Ravindra @ Bhinda were offered police security, but except Jaibhagwan @ Sonu, none have taken police security. Since the others reside in Haryana, Haryana Police were contacted through the concerned SHO and informed about the witness protection order. Haryana Police has agreed to provide protection to the victims in their jurisdiction. The police are obliged by the order of the Hon'ble Sessions Judge to provide 24x7 protection to the victims as and when they arrive in the jurisdiction of Delhi Police.”

Keeping in view of the aforesaid, the petition is disposed of with the

directions that the petitioners shall approach the Court of ASJ-04, Rohini Court, Delhi seeking recording of their evidence through virtual mode. For the reasons stated and noted hereinabove, the application when filed shall be considered and decided by the ASJ at the earliest.

Petition is disposed of.

JASMEET SINGH, J

APRIL 25, 2022/dm

Click here to check corrigendum, if any