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

+ W.P.(CRL) 1542/2020

COURT ON ITS OWN MOTION

..... Petitioner

versus

UNION OF INDIA & ORS.

..... Respondents

Through:

Mr. Sandeep Sethi, Senior Advocate  
as Amicus Curiae with Mr. Sumer  
Dev Seth and Ms. Shreya Sethi,  
Advocates.

Mr. Kirtiman Singh, CGSC with  
Mr. Waize Ali Noor and Ms. Shreya  
V. Menon, Advocates for UOI.

Mr. Amit Peswani, Advocate for  
Ms. Nandita Rao, ASC (Crl.) for  
GNCTD.

Mr. Rajat Aneja, Advocate with  
Ms. Rishabh Jain, Advocate for  
respondent No.3.

DCP Hareesh H.P., Legal Division,  
Police Headquarter, New Delhi  
(Through video conferencing)

**CORAM:**

**HON'BLE THE ACTING CHIEF JUSTICE**

**HON'BLE MS. JUSTICE MINI PUSHKARNA**

**ORDER**

**21.12.2023**

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1. The Hon'ble Supreme Court of India vide order dated 09<sup>th</sup> November, 2023 in *W.P.(C) No.699/2016* titled as "*Ashwini Kumar Upadhyay Vs. Union of India and Anr.*" has passed the following directions:



“20. Having considered the matter in detail, we direct that:

- (i) *Learned Chief Justices of the High Courts shall register a suo-motu case with the title, "In Re: designated courts for MPs/MLAs" to monitor early disposal of criminal cases pending against the members of Parliament and Legislative Assemblies. The suo-motu case may be heard by the Special Bench presided by the Learned Chief Justice or a bench assigned by them.*
- (ii) *The Special Bench hearing the suo-motu case may list the matter at regular intervals as is felt necessary. The High Court may issue such orders and/or directions as are necessary for expeditious and effective disposal of the subject cases. The Special Bench may consider calling upon the Advocate General or the Public Prosecutor to assist the Court.*
- (iii) *The High Court may require the Principal District and Sessions Judge to bear the responsibility of allocating the subject cases to such court or courts as is considered appropriate and effective. The High Court may call upon the Principal District and Sessions Judge to send reports at such intervals as it considers expedient.*
- (iv) *The designated courts shall give priority:*
  - (i) *first to criminal cases against MP's & MLA's punishable with death or life imprisonment then to (ii) cases punishable with imprisonment for 5 years or more, and then hear (iii) other cases. The Trial Courts shall not adjourn the cases except for rare and compelling reasons.*
- (v) *The learned Chief Justices may list cases in which orders of stay of trial have been passed before the Special Bench to ensure that appropriate orders, including vacation of stay orders are passed to ensure commencement and conclusion of trial.*
- (vi) *The Principal District and Sessions Judge shall ensure sufficient infrastructure facility for the designated courts and also enable it to adopt such technology as is expedient for effective and efficient functioning.*
- (vii) *The High Courts shall create an independent tab on their website providing district-wise information about the details of the year of filing, number of subject cases pending and stage of proceedings. We make it clear that while monitoring the subject cases, the Special Bench may pass such orders or give such additional directions as are necessary for early disposal of the subject cases.”*



2. Having considered the order of the Hon'ble Supreme Court, in its letter and spirit, the following directions are issued for expeditious and effective disposal of criminal cases pending in the designated Courts against the members of Parliament and Legislative Assemblies:-

(i) The Principal District and Sessions Judge, cum-Spl. Judge (P.C. Act) (CBI), Rouse Avenue Court Complex, Delhi shall ensure almost equal pendency of such cases in the designated Courts, at the same level. However, while considering this aspect the Principal District and Sessions Judge, cum-Spl. Judge (P.C. Act) (CBI), shall also bear in mind the nature and complexity of such cases and the fact that in a given case there are multiple accused persons or extremely large number of witnesses who are to be examined.

(ii) The designated Courts shall, as far as possible, list such cases at least once a week; not grant any adjournment in the same unless extremely necessary and shall take all requisite steps for expeditious disposal of such cases. Wherever the examination/ cross-examination of a witness stretches beyond the given day, the matter, as far as possible, shall be listed on a day-to-day basis till the evidence of such witness is concluded.

(iii) The Principal District and Sessions Judge, cum-Spl. Judge (P.C. Act) (CBI), Rouse Avenue Court Complex, Delhi shall continue to obtain monthly progress reports from the designated Courts and send the consolidated report to this



Court. The monthly reports shall also include (a) a short summary of the work done in the said case(s) during the month (b) the Action plan formulated and the steps taken for expeditious disposal of the said case(s) (c) the specific reasons, if any causing delay in disposal of the said case(s).

(iv) In case any revision petitions regarding such matters are pending before the designated Sessions Court(s), every endeavour shall be made to dispose of the same within six months. Where such revision petition(s) or other petition(s) are pending before Ld. Single Judge(s) of this Court, they are requested to dispose of the same as expeditiously as possible.

(v) The designated Courts shall scrupulously comply with the directions issued by the Hon'ble Supreme Court and this Court.

(vi) The Principal District and Sessions Judge, cum-Spl. Judge (P.C. Act) (CBI), Rouse Avenue Court Complex, Delhi shall ensure sufficient infrastructure facility for the designated Courts and file a report in this respect.

(vii) The Principal District and Sessions Judge, cum-Spl. Judge (P.C. Act) (CBI), Rouse Avenue Court Complex, Delhi and the Central Project Coordinator (CPC) of this Court shall also ensure that sufficient technological infrastructure is available to enable the designated Courts to adopt such technology as is expedient for effective and efficient functioning and file a report in this respect. In case any training is required to be imparted in this respect the same



shall be imparted through the Delhi Judicial Academy to the concerned stakeholders.

(viii) The Registrar (IT) of this Court shall ensure that an independent tab is created on the website of this Court providing information about the details of the year of filing, number of such cases pending, stage of proceedings and other relevant details.

(ix) The cases in which orders of stay of trial have been passed and are continuing for a period of more than six months, are directed to be disposed of expeditiously by the concerned Benches of this Court. The Registrar General shall file a status report of the said cases before the next date of hearing.

(x) The present matter be listed before this Court every two months. Registry is also directed to re-designate the title of this matter as “In Re: designated courts for MPs/MLAs”.

3. List on 12<sup>th</sup> February, 2024.

**ACTING CHIEF JUSTICE**

**MINI PUSHKARNA, J**

**DECEMBER 21, 2023**  
**KA/AS**