



2026 INSC 1100

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL No. _____ OF 2026
(@ SPECIAL LEAVE PETITION (CRIMINAL) NO.13468/2026)

RENUKA JAIN

Appellant (s)

VERSUS

THE STATE OF NCT OF DELHI & ORS.

Respondent (s)

ORDER

1. Leave granted.

2. We have heard Ms. Fauzia Shakil, learned counsel for the appellant; Mr. Davinder Pal Singh, learned A.S.G. assisted by Mr. Akshat Aggarwal; and Ms. Vidhi Gupta, learned counsel for the State of NCT of Delhi. Mr. Vikas Sharma, learned counsel has appeared for respondent no. 2.

3. Though respondent nos. 3 and 4 have been served, none has appeared on their behalf. Respondent no. 5 has not been served. However, considering the nature of the order that we propose to pass, service of notice upon respondent no. 5 may not be necessary.

4. Appellant before us is the *de facto* complainant. She had lodged FIR No. 211/2017 before the Farsh Bazar Police Station against the accused persons named therein under Section 420 of Indian Penal Code, 1860 (I.P.C.).

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5. On completion of investigation, charge sheet has been filed whereafter, the case has been registered as C.R. No.

7850/2019 and assigned to the Court of Judicial Magistrate First Class in the Shahdara District Courts, Karkardooma, Delhi ('Trial Court' hereinafter).

6. Aggrieved by the delay in the trial, appellant had earlier moved the Delhi High Court ('High Court' for short) in W.P. Criminal No. 2090/2018 wherein an order was passed by the High Court on 07.02.2023 directing the Trial Court to conclude the trial within two years after framing of charges.

7. Since the trial did not progress much, a fresh petition was filed by the appellant before the High Court under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (B.N.S.S.) corresponding to Section 482 of the Code of Criminal Procedure, 1973 (Cr.P.C.) seeking a direction to the Trial Court for expeditious disposal of the trial.

8. This time an objection was raised on behalf of the prosecution questioning the *locus standi* of the appellant to institute the proceedings.

9. Learned Single Judge vide the impugned order dated 06.01.2026 concurred with the submissions made on behalf of the prosecution that the role of the complainant is limited to being a witness. Therefore, it is only the State or the accused who can bring in such a petition. Paragraph 4 of the impugned order reads thus:

"4. I find substance in the submission of the learned prosecutor that the subject case being a State case, role of the complainant *de facto* is limited to being a witness and therefore, it is only the State or the accused who can bring such petition. In this regard, it would be apposite to also note that the complainant *de facto* can sustain action independent of prosecution side only in certain situations explicitly laid down in law. The present petition does not fall under that category."

9.1. After holding the petition to be a frivolous one and a drain on the already overflowing dockets of the Court, the same was dismissed by the High Court with cost of Rs.10,000/- (Rupees Ten Thousand) .

10. This Court by order dated 24.07.2026 had issued notice while calling upon the learned standing counsel for the State of NCT of Delhi to inform the Court on the next date i.e. today as to the stage of the trial. In the meanwhile, paragraph 6 of the impugned order imposing cost upon the appellant was stayed.

11. In the hearing today, learned standing counsel submits that prosecution has cited a total of 22 witnesses to be examined, out of which one has been deleted. Thus, there are 21 prosecution witnesses. PW-1 is presently being cross examined.

12. Detailed submissions have been made by learned counsel for the parties which have been duly considered.

13. Section 301 Cr.P.C. provides for appearance of the Public Prosecutor and pleading by him before any Court in respect of a case of which he is in charge. He can do so without any written authority. Sub-section (2) of Section 301 is relevant and is extracted hereinunder:

"(2) If in any such case any private person instructs a pleader to prosecute any person in any Court, the Public Prosecutor or Assistant Public Prosecutor in charge of the case shall conduct the prosecution, and the pleader so instructed shall act therein under the directions of the Public Prosecutor or Assistant Public Prosecutor, and may, with the permission of the Court, submit written arguments after the evidence is closed in the case."

14. We may also refer to sub-section (2) of Section 302 Cr.P.C. Section 302 deals with permission to conduct prosecution. Ordinarily, the prosecution is to be conducted by the Public Prosecutor or Assistant Public Prosecutor without any written authority but any Magistrate inquiring into or trying a case may permit the prosecution to be conducted by any person other than the police officer below the rank of Inspector but no person other than the Advocate General or Government Advocate or a Public Prosecutor or Assistant Public Prosecutor shall be entitled to do so without such permission.

14.1. Sub-section(2) says that any person conducting the prosecution may do so personally or by a pleader.

15. Section 24 Cr.P.C. deals with Public Prosecutors. As per sub-section (8), the Central Government or the State Government, as the case may be, may appoint a Special Public Prosecutor for the purposes of any case or class of cases. Proviso to sub-section (8) of Section 24 Cr.P.C. empowers the Trial Court to permit the victim to engage an advocate of his choice to assist the prosecution.

16. Victim has been defined in Section 2(wa) Cr.P.C. to mean a person who has suffered any loss or injury caused by reason of the act or omission for which the accused person has been charged and the expression 'victim' includes his or her guardian or legal heir.

17. The aforesaid provisions find place in the B.N.S.S. as well. Section 2(y) of the B.N.S.S. defines victim to mean a person who has suffered any loss or injury caused by reason of the act or omission of the accused person and includes the

guardian or legal heir of such victim.

18. Likewise, Section 301 Cr.P.C. finds its manifestation in Section 338 B.N.S.S.; so also sub-section (2) of Section 339 of B.N.S.S. contains the same provision as Section 302(2) Cr.P.C.

19. From an analysis of the aforesaid provisions, it is evident that a victim, as defined earlier in the Cr.P.C. and now in the B.N.S.S., is not a stranger to a criminal proceeding in which he or she is the sufferer or the legal guardian of such victim. The fact remains that it is due to the loss or injury suffered by her at the hands of the accused that has triggered the criminal process.

20. Therefore, to say that the role of the victim is limited to being a witness, is not correct. A victim or the legal guardian of the victim is a definite stakeholder in the criminal justice system. Like the accused, she has also a vested right to insist on a speedy trial and also for a fair trial. Therefore, on a reading of the statutory scheme as enumerated *supra*, certainly a victim has *locus standi* to seek a speedy trial. She can certainly bring a petition under Section 528 B.N.S.S. seeking a direction from the High Court to the Trial Court to expedite the trial proceedings.

21. In *Mangal Singh vs. Kishan Singh*, (2009) 17 SCC 303, this Court, while recognising the right of a victim to insist on a speedy trial, held that it would be a grave mistake to assume that delay in trial does not cause acute suffering and anguish to the victim of the offence. In many cases, the victim may suffer even more than the accused. There is, therefore, no reason to give all the benefits on account of the delay in the trial to the accused and to completely deny all justice to the victim of the

offence.

22. This Court highlighted the importance of a speedy trial for both the accused and the victim in *Rattiram vs. State of Madhya Pradesh*, (2012) 4 SCC 516. This Court emphasized that the whole purpose of speedy trial is intended to avoid oppression and to prevent delay. It is a sacrosanct obligation of all concerned with the justice dispensation system to see that the administration of criminal justice becomes effective, vibrant and meaningful. Para 59 of the said decision is extracted hereunder:

"59. At this juncture, we would like to refer to two other concepts, namely, speedy trial and treatment of a victim in criminal jurisprudence based on the constitutional paradigm and principle. The entitlement of the accused to speedy trial has been repeatedly emphasised by this Court. It has been recognised as an inherent and implicit aspect in the spectrum of Article 21 of the Constitution. The whole purpose of speedy trial is intended to avoid oppression and prevent delay. It is a sacrosanct obligation of all concerned with the justice dispensation system to see that the administration of criminal justice becomes effective, vibrant and meaningful. The concept of speedy trial cannot be allowed to remain a mere formality (see *Hussainara Khatoon (1) v. State of Bihar* [(1980) 1 SCC 81 and *Raj Deo Sharma v. State of Bihar* (1998) 7 SCC 507])."

22.1. Insofar the right of the victim in a criminal trial is concerned, this Court held that the right of a victim to have a speedy trial cannot be overlooked. This Court held thus:

"60. While delineating on the facets of speedy trial, it cannot be regarded as an exclusive right of the accused. The right of a victim has been given recognition in *Mangal Singh v. Kishan Singh* [2009] 17 SCC 303 wherein it has been observed thus: (SCC p. 307, para 14) "14.... Any inordinate delay in conclusion of a criminal trial undoubtedly has a highly deleterious effect on the society generally, and particularly on the two sides of the case. But it will be a grave mistake to assume that delay in trial does not cause acute suffering and anguish to the victim of the offence. In many cases the victim may suffer even more than the accused. There is, therefore, no reason to give all the benefits on account of the delay in trial

to the accused and to completely deny all justice to the victim of the offence."

23. We may also gainfully refer to the observations made by this Court in *Amir Hamza Shaikh vs. State of Maharashtra*, (2019) 8 SCC 387. Referring to the recommendations of the Malimath Committee as well as to the amendment brought in to the Cr.P.C. to provide a platform to the victim to assist the Trial Court and to the three-Judge Bench decision of this Court in *J.K. International vs. State (NCT of Delhi)*, (2001) 3 SCC 462, where it has been held that the scheme in the Cr.P.C. indicates that the person who is aggrieved by the offence committed is not altogether wiped out from the scene of the trial merely because the investigation was taken over by the police, this Court held as under:

"9. This Court while considering the provisions of sub-section (2) of Section 301 and Section 302 CrPC, held as under: (*J.K. International case*, SCC pp. 465-67, paras 9-12)

"9. The scheme envisaged in the Code of Criminal Procedure indicates that a person who is aggrieved by the offence committed, is not altogether wiped out from the scenario of the trial merely because the investigation was taken over by the police and the charge-sheet was laid by them. Even the fact that the court had taken cognizance of the offence is not sufficient to debar him from reaching the court for ventilating his grievance. Even in the Sessions Court, where the Public Prosecutor is the only authority empowered to conduct the prosecution as per Section 225 of the Code, a private person who is aggrieved by the offence involved in the case is not altogether debarred from participating in the trial. This can be discerned from Section 301(2) of the Code which reads thus:

'301. (2) If in any such case any private person instructs a pleader to prosecute any person in any court, the Public Prosecutor or Assistant Public Prosecutor in charge of the case shall conduct the prosecution, and the pleader so instructed shall act therein under the directions of the Public Prosecutor or Assistant Public Prosecutor, and may, with the permission of the court, submit written arguments after the evidence is closed in the case.'

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13. In *J.K. International*, it has been held that if the cause of justice would be better served by granting such permission, the Magistrate's Court would generally grant such permission. An aggrieved private person is not altogether eclipsed from the scenario when the criminal court take cognizance of the offences based on the report submitted by the police.

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15. In view of such principles laid down, we find that though the Magistrate is not bound to grant permission at the mere asking but the victim has a right to assist the court in a trial before the Magistrate. The Magistrate may consider as to whether the victim is in a position to assist the court and as to whether the trial does not involve such complexities which cannot be handled by the victim. On satisfaction of such facts, the Magistrate would be within his jurisdiction to grant permission to the victim to take over the inquiry of the pendency before the Magistrate."

24. In the recent case of *Keshvendra Singh vs. Shankar Singh*, 2026 SCC Online SC 1588, this Court highlighted that the right to speedy trial is not only the prerogative of the accused but is also a valuable right of the victim. This Court analysed the same in the following manner:

"23. "There is one more significant aspect of the matter. Article 21 of the Constitution of India guarantees right to speedy trial. This Court has held that right to speedy trial is not only the prerogative of the accused but is also a valuable right of the victim and any inordinate delay in the conclusion of the trial, could have a deleterious effect on the society in general. If the interpretation canvassed by the respondent-accused is accepted, it will render Section 12 of the Gangsters Act ultra vires Article 21 of the Constitution of India. It will also give a handle to the accused to delay all other cases under the pretext that the proceedings are pending under the Gangsters Act. Tremendous injustice will result as with every day's delay, preservation of evidence will become a challenge. Witnesses will be that much less forthcoming and even if they are, with passage of time, human memory would have begun to fade. This Court cannot countenance any such interpretation which will make a mockery of the judicial process."

25. That being the position, we are unable to agree with the view taken by the High Court castigating the victim for bringing a petition before the Court seeking a speedy trial as being completely frivolous and a drain on the overflowing dockets of the Court. It is based on a complete misreading of the legal and constitutional provisions and cannot be sustained.

26. We, therefore, set aside the impugned order of the High Court dated 06.01.2026 and direct the Trial Court to conclude the trial in C.R. Case No. 7850/2019 expeditiously and within an outer limit of one year from today. We clarify that we have not expressed any opinion on the merits of the case and all contentions are kept open.

27. The Criminal Appeal is, accordingly, allowed.

28. Pending application(s), if any, shall stand disposed of.

.....J.
[UJJAL BHUYAN]

.....J.
[ATUL S. CHANDURKAR]

NEW DELHI;
24th SEPTEMBER, 2026.

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition for Special Leave to Appeal (Crl.) No. 13468/2026

[Arising out of impugned final judgment and order dated 06-01-2026 in CRLMC No. 44/2026 passed by the High Court of Delhi at New Delhi]

RENUKA JAIN

Petitioner(s)

VERSUS

THE STATE OF NCT OF DELHI & ORS.

Respondent(s)

(IA No. 172974/2026 - CONDONATION OF DELAY IN FILING, IA No. 172972/2026 - EXEMPTION FROM FILING O.T. and IA No. 172970/2026 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 24-09-2026 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE UJJAL BHUYAN
HON'BLE MR. JUSTICE ATUL S. CHANDURKAR

For Petitioner(s) :Ms. Fauzia Shakil, AOR
Ms. Shivangi Nanda, Adv.
Ms. Nazmeen Ahmed, Adv.
Mr. Khalid Ali, Adv.
Mr. Aanand Kumar Vashistha, Adv.

For Respondent(s) :Mr. Davinder Pal Singh, A.S.G.
Mr. Akshat Aggarwal, Adv.
Ms. Vidhi Gupta, Adv.
Mr. Sanjay Tyagi, Adv.
Mr. Ishaan Sharma, Adv.
Ms. Disha Thakkar, Adv.
Dr. N. Visakamurthy, AOR

Dr. Sushil Balwada, AOR
Mr. Vikash Sharma, Adv.
Mr. Noor Alam, Adv.
Mr. Dhananjaya Kumar Tyagi, Adv.

UPON hearing the counsel the Court made the following
O R D E R

1. Leave granted.
2. The Criminal Appeal is allowed in terms of the reportable signed order which is placed on file.
3. Pending application(s), if any, shall stand disposed of.

(KANJIKA TAYAL)
COURT MASTER (SH)

(CHETNA BALOONI)
COURT MASTER (NSH)