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

+ CRL.M.C. 5296/2017 & CRL.M.A. 20789/2017

SOURABH GUGNANI & ORS Petitioners

Through: Mr. Aseem Atwal, Advocate

versus

THE STATE GOVT OF NCT OF DELHI & ORS Respondents

Through: Mr. Panna Lal Sharma, APP for State
with SI Yogendra Kumar, P. S. Patel
Nagar

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

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21.03.2022

1. The present petition under Section 482 of Code of Criminal Procedure, 1973 has been filed on behalf of the petitioners seeking appropriate orders/directions thereby quashing the chargesheet dated 29th January, 2013 in FIR No. 62/2012 dated 25th April, 2012 against the petitioners under Sections 306/34 of the Indian Penal Code, 1860 read with Section 4 of Dowry Prohibition Act, 1961 in SC No. 57606/2016 by learned Additional Sessions Judge, Tis Hazari Courts, Delhi.
2. Learned counsel appearing on behalf of the petitioner prays for an adjournment on the ground that the main counsel for the instant matter is travelling abroad and is not able to appear before this Court.
3. Learned counsel appearing on behalf of the petitioner has also prayed for the continuation of the Interim Order dated 7th February 2018 vide which the Trial Court was directed to defer the date of hearing until the next date of

hearing before this Court. It is submitted that the said order was extended on each subsequent date of hearing and as a result the interim directions to defer the proceedings is still in force.

4. *Per contra*, Mr. Panna Lal Sharma, learned APP for the State vehemently opposed the adjournment on the ground that the interim order dated 7th February, 2018 is still in operation and due to that the entire proceedings before the Court below pertaining to the said case has been kept in abeyance since 2018.

5. Learned APP for the State vehemently submitted that the interim order granted by the Coordinate Bench of this Court may be vacated as it has been in operation since 2018.

6. In the instant case, the order on charge was passed on 1st September 2017 and charges were framed on 23rd September 2017. Vide an Order of a Coordinate Bench of this Court dated 7th February 2018, the proceedings before the Court below had been kept in abeyance. The said order has been extended from time to time thereby continuing the stay on the proceedings before the Court below. Since the first deferment of proceedings, more than four years have passed now. It would be travesty of justice and abuse of process if the said proceedings further remain stayed for an indefinite period. The criminal justice machinery should not be kept in limbo and the proceedings before the Trial Court cannot remain stayed because of the non-availability of the counsel.

7. In view of the above facts and circumstances, this Court does not find any cogent reason to extend the interim order dated 7th February, 2018. The interim order that was extended from time to time stands vacated.

8. Since the main counsel for the petitioner is not available for the

arguments, in the interest of justice, the matter is adjourned.

9. List on 9th May 2022.

CHANDRA DHARI SINGH, J

MARCH 21, 2022

gs/ak