

**IN THE COURT OF SH.RAMESH KUMAR,
PRINCIPAL DISTRICT & SESSIONS JUDGE,
NORTH EAST, KARKARDOOMA COURTS, DELHI**

**CR No. 54/21
CIS No. DLNE01-004020-2021**

In the matter of:

**State, NCT of Delhi
Through SHO, PS Karawal Nagar,
Delhi.**

..... Revisionist

Versus

**1. Pintu @ Anand Kishore
s/o Ramavtar
r/o U-143, Gali no.3, Phase-4,
Lok Vihar, Shiv Vihar,
Karawal Nagar, Delhi-10094.**

**2. Gopal
s/o Ramavtar
R/o U-143, gali no.3,
Phase-4, Lok Vihar,
Shiv Vihar, Karawal Nagar,
Delhi-110094.**

.....Respondents

Date of institution of case: 26.11.2021

Date of reserving the case for order: 10.12.2021
Date of passing of order: 10.12.2021

**CRIMINAL REVISION PETITION, UNDER SECTION 397/399 READ
WITH SECTION 401 Cr.P.C, AGAINST THE IMPUGNED ORDER,
DATED 09.10.2021, PASSED BY THE COURT OF SH.ARUN
KUMAR GARG,LD.CMM, (NORTH-EAST) DISTRICT,
KARKARDOOMA COURT COMPLEX, DELHI.**

JUDGMENT:

1. The present revision petition is preferred by SHO PS Karawal Nagar (hereinafter referred to as revisionist), against the impugned order, dated 09.10.2021, passed by the court of Sh. Arun Kumar Garg, ld. CMM, North-East District, Karkardooma Court Complex, Delhi, whereby, the ld.Trial Court, imposed cost of Rs.5000/-, to be deposited by the Delhi Police, in the Prime Minister National Relief Fund, as the adjournment sought before the ld. Trial Court, was necessitated on account of non-compliance of direction given by the ld. Trial Court, in its previous order, dated 11.01.2021, and, further directed the Commissioner of Police, Delhi, to conduct an inquiry and to order deduction of aforesaid cost from the salary of responsible officer under intimation to the ld. Trial Court.

2. It is stated in the revision petition, that the matter, pending before the ld. Trial Court, was registered on the complaint of Yusuf Saifi, vide FIR

no.126/2020, under SectionS 147/148/149/427/436 IPC, at PS Karawal Nagar. During investigation, one more complaint of Mohd. Sahib, was also clubbed with that case and, after investigation, charge sheet was filed against accused Manish and others for offenceS under section 147/148/149/427/436/411 IPC, and, on 02.12.2021, police file of the case was submitted in the ld. Trial Court, along with five copies of the chargesheets for supplying to the accused persons.

3. It is further stated that, on 11.01.2021, ld. Trial Court ordered for supply of copies of the charge sheet to the accused persons, in custody through Jail Superintendent, however, the copies of the charge sheets could not be supplied to accused Pintu @ Anand Kishore and Gopal, because they were found on interim bail and also found unavailable at their residence. It is further stated that, thereafter, vide impugned order, dated 09.10.2021, the ld. Trial Court, imposed cost of Rs.5,000/-, to be deposited by the Delhi Police, with the Prime Minister National Relief Fund, for non supplying of copies of charge-sheet to accused Pintu @ Anand Kishore and Gopal.

3. It is stated, in the grounds of revision petition, that the impugned order is unjustified and is against the settled principleS of law laid down by the higher courts. It is stated that the direction, regarding imposition of cost of Rs.5000/-, to be deposited by the Delhi Police in the Prime Minister National Relief Fund, and further direction to Commissioner of Police, Delhi, to conduct an inquiry and to order deduction of aforesaid cost from the salary of responsible officer, are against the settled principle of law as settled by the Hon'ble Supreme Court, through its various pronouncements. Thus, it is prayed that the revision petition be allowed by setting aside the impugned order, dated 09.10.2021.

4. I have heard Special Public Prosecutor for the revisionist and carefully perused the record file and have gone through the material placed on record.

5. The relevant portion of the impugned order, dated 09.10.2021, is reproduced herein below as under.

“It is submitted by ld. counsel for the accused Pintoo and Gopal that the aforesaid accused have not yet received the copy of the chargesheet. Upon direction IO as well as SHO PS Karawal Nagar have failed to produce any acknowledgement regarding delivery of copy of the chargesheet by them to the aforesaid accused persons.

Copy of the chargesheets to both the aforesaid accused have been supplied by the IO today in the Court.

Ld. Counsel for the accused seeks time to scrutinize the copy of the charge sheet and to advance arguments on charge on the ground that copy has been supplied to him today itself.....

Under the aforesaid circumstances, considering the fact that today's adjournment is necessitated due to non compliance of the direction dated 11.01.2021 of this Court by the IO for supply of copy of chargesheet to the accused, an adjournment cost of Rs.5,000/- is imposed upon Delhi Police to be deposited with Prime Minister National Relief Fund.

This court is not oblivious of the fact that burden of this cost shall fall on Public Exchequer and hence, I deem it appropriate to direct the Commissioner of Police, Delhi to conduct an inquiry to fix the responsibility for imposition of the aforesaid cost and to order deduction of the same from the salary of the Officer found responsible for non compliance of the direction of this court.....”

6. It is argued by Special Public Prosecutor, for the revisionist, that the impugned order, dated 09.10.2021, is unjustified and against the settled principles of law, laid down by the higher courts. It is further argued that, Id. Trial Court, erred in imposition of cost of Rs.5000/-, to be deposited by the Delhi Police in the Prime Minister National Relief Fund, and further direction to Commissioner of Police, Delhi, to conduct an inquiry and to order deduction of aforesaid cost from the salary of responsible officer. It is further argued that, even, otherwise, the adjournment was not sought by the State, but same was sought by defence counsel. As such, it is argued that imposition of cost was unwarranted.

7. Perusal of the Trial Court order reveals that, on 11.01.2021, the Id. Trial Court, directed the IO to supply the copy of the charge sheet and e-challan to the accused in custody through Jail Superintendent concerned and to file the compliance report on the next date. However, the aforesaid direction was not complied with and copy of the charge sheet to accused Pintoo and Gopal, were supplied only, on the date of passing of the impugned order. As such, the Id. Trial Court was constrained to pass the impugned order, directing imposition of cost of Rs.5,000/-, upon the Delhi Police and further directed the Commissioner of Police, Delhi, to conduct an inquiry and to order deduction of aforesaid cost from the salary of responsible officer, under intimation to the Id. Trial Court.

8. In this background, it is pertinent to rely on judgment titled as **P. Ramchandra Rao Vs. State of Karnataka, Appeal (Crl.) 535 of 2000**, wherein it was held as under:

“(10) It is neither advisable nor practicable to fix any time-limit for trial of offences. Any such rule is bound to be qualified one. Such rule cannot also be evolved merely to shift the burden of proving justification on to the shoulders of the prosecution. In every case of complaint of denial of right to speedy trial, it is primarily for the prosecution to justify and explain the delay. At the same time, it is the duty of the court to weigh all the circumstances of a given case before pronouncing upon the complaint. The Supreme Court of USA too has repeatedly refused to fix any such outer time-limit in spite of the Sixth Amendment. Nor do we think that not fixing any such outer limit ineffectuates the guarantee of right to speedy trial.....

The Constitution Bench turned down the fervent plea of proponents of right to speedy trial for laying down time-limits as bar beyond which a criminal proceeding or trial shall not proceed and expressly ruled that it was neither advisable nor practicable (and hence not judicially feasible) to fix any time-limit for trial of offences. Having placed on record the exposition of law as to right to speedy trial flowing from [Article 21](#) of the Constitution this Court held that it was necessary to leave the rule as elastic and not to fix it in the frame of defined and rigid rules.....

It is neither advisable, nor feasible, nor judicially permissible to draw or prescribe an outer limit for conclusion of all criminal proceedings. The time-limits or bars of limitation prescribed in the several directions made in Common Cause (I), Raj Deo Sharma (I) and Raj Deo Sharma (II) could not have been so prescribed or drawn and are not good law. The criminal courts are not obliged to terminate trial or criminal proceedings merely on account of lapse of time, as prescribed by the directions made in Common Cause Case (I), Raj Deo Sharma case (I) and (II). At the most the periods of time prescribed in those decisions can be taken by the courts seized of the trial or proceedings to act as reminders when they may be persuaded to apply their judicial mind to the facts and circumstances of the case before them and determine by taking into consideration the several relevant factors as pointed out in A.R. Antulay's case and decide whether the trial or proceedings have become so inordinately delayed as to be called oppressive and unwarranted. Such time-limits cannot and will not by themselves be treated by any Court as a bar to further continuance of the trial or proceedings and as

mandataroly obliging the court to terminate the same and acquit or discharge the accused....”

9. In the present matter, it has been pointed out that, in the matter, pending before the ld. Trial Court, all the accused persons have been supplied with copy of the charge sheet and this fact is corroborated from the ld. Trial Court's order, dated 29.11.2021. Since the directions passed by the ld. Trial Court, regarding supply of copy of charge sheet have already been complied with, no ground for imposition of cost upon the Delhi Police and for any inquiry to be conducted by the Commissioner of Police, survives.

10. In view of the aforesaid discussions, the revision petition is partly allowed and the impugned order, dated 09.10.2021, is modified to the extent that the order of the ld. Trial Court, imposing cost of Rs.5000/- to be deposited by the Delhi Police, in the Prime Minister National Relief Fund and further direction to the Commissioner of Police, Delhi, to conduct an inquiry and to order deduction of aforesaid cost from the salary of responsible officer, is hereby set aside. However, concerned DCP is directed to sensitize subordinate police officers to the effect that the directions of the ld. Trial Court are complied with by them so that, there is no delay in trial of cases, pending before the ld. Trial Court. With these observation, the revision petition is disposed of.

11. Copy of this order, along with Trial Court record, be sent to the Trial Court for information.

12. Copy of this order be also sent to DCP, North East, for information and compliance.

13. Revision file be consigned to Record Room.

**ANNOUNCED IN THE OPEN
COURT ON 10th NOVEMBER,
2021**

**(RAMESH KUMAR)
PRINCIPAL DISTRICT AND SESSIONS JUDGE
NORTH EAST DISTRICT
KARKARDOOMA COURTS, DELHI**