

Ritika Juneja vs State Nct Of Delhi on 16 March, 2020

Bench: A.M. Khanwilkar, Dinesh Maheshwari

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IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO(S). 399 OF 2020
[Arising from SLP(Crl) No. 5231/2019]

ASTHA NARANG & ANR.

...APPELLANT(S)

VERSUS

STATE OF NCT DELHI

...RESPONDENT(S)

O R D E R

1. Leave granted.

2. This appeal takes exception to the judgment and order passed by the High Court of Delhi at New Delhi in Criminal Revision Petition No.97 of 2019 dated 28.05.2019, whereby the order passed by the trial Court discharging the appellants (accused Nos.2 and 4) in respect of offence under Sections 498A/406/34 of the Indian Penal Code came to be reversed.

3. We have heard learned counsel for the parties. We have perused the judgment(s) of the trial Court and the High Court including the counsel appearing for the respective parties.

4. As regards the order passed by the High Court qua appellant No.2/accused No.2, Anil Narang (Father-in-law of the complainant), we decline to interfere and uphold the view taken by the High Court that he must face the trial along with other accused.

5. Reverting to the impugned order passed against appellant No.1/accused No.4, Astha Narang, (Sister-in-law of the complainant), we find that the High Court has essentially relied on the statement of the complainant recorded under Section 164 of the Code of Criminal Procedure.

6. We have perused the said statement. The limited allegation against accused No.4, Astha Narang, is that she had full knowledge of everything that was happening around at the relevant time. The other allegation discerned from the said statement is that the accused No.4 (sister-in-law) along with mother-in-law, grand mother-in-law and maternal uncle of accused No.1, Anshuman Narang, (husband of the complainant) had interfered in the life of the complainant.

7. Taking the said statement as it is, we fail to understand as to how the accused No.4 (Astha Narang, sister-in-law) can be proceeded with for commission of alleged offence alongwith the co-accused.

8. Further, we accept the view taken by the trial Court that there is no tangible evidence to rope in appellant No.1/accused No.4 as co- conspirator along with other accused.

9. Counsel for the respondent-complainant invited our attention to the allegations made in the complaint, from paragraph 20 onwards. The allegations contained therein are not supported by any statement made under Section 161 or Section 164 of the Code of Criminal Procedure, as the case may be and, in particular, against accused No.4.

10. Suffice it to observe that the order of discharge passed by the trial Court in favour of appellant No. 1/accused No. 4, ought not to have been interfered with by the High Court.

11. Counsel for the respondent-complainant then urged that during the trial, some evidence has come on record to implicate appellant No.1/accused No.4. That is not a matter to be considered in this appeal. It will be open to the trial Court to analyze the said evidence/material and proceed in the matter in accordance with law. We express no opinion either way in that regard and leave all contentions available to the parties open.

13. Resultantly, this appeal partly succeeds. The impugned order of the High Court is set aside only in respect of appellant No.1/accused No.4, Astha Narang (sister-in-law of the complainant), with observations as mentioned hitherto.

14. The appeal and pending applications are disposed of accordingly.

.....,J.

(A.M. KHANWILKAR)J.

(DINESH MAHESHWARI)

NEW DELHI
MARCH 16, 2020

ITEM NO.7

COURT NO.6

SECTION II-C

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl.) No(s). 11307/2019

(Arising out of impugned final judgment and order dated 25-11-2019 in CRLMC No. 5872/2019 passed by the High Court Of Delhi At New Delhi) RITIKA JUNEJA & ANR. Petitioner(s) VERSUS

STATE NCT OF DELHI & ANR. Respondent(s) (IA No. 196179/2019 - APPROPRIATE ORDERS/DIRECTIONS) WITH SLP(Crl) No. 5231/2019 (II-C) (IA No. 34319/2020 - CLARIFICATION/DIRECTION) Date : 16-03-2020 These matters were called on for hearing today. CORAM :

HON'BLE MR. JUSTICE A.M. KHANWILKAR HON'BLE MR. JUSTICE DINESH MAHESHWARI For Petitioner(s) Mr. M.C. Dhingra, Adv.

Mr. Gaurav Dhingra, AOR Mr. Vikrant Yadav, Adv.

Mr. Siddharth Agarwal, Adv. Mr. H.D. Thanvi, Adv.

Mr. Rishi Matoliya, AOR For Respondent(s) Ms. Pinky Anand, ASG Mr. Sumit Tetrawal, Adv.

Ms. Shefali Sethi, Adv.

Mr. Hemant Arya, Adv.

Mr. Chakitan V.S. Papta, Adv. Mr. B.V. Balramdas, AOR Mr. Siddharth Agarwal, Adv. Mr. H.D. Thanvi, Adv.

Mr. Rishi Matoliya, AOR Mr. Shekhar Kumar, AOR (NP) Mr. Chirag M. Shroff, AOR (NP) UPON hearing the counsel the Court made the following O R D E R We defer the hearing of this special leave petition with direction to the trial Court to proceed with the trial expeditiously and conclude it by the end of June, 2020.

We have issued this direction as we are informed that out of 52 witnesses, 51 witnesses have since been examined.

Further, the trial Court may proceed to frame appropriate charge(s) against accused No.2, Anil Narang, father-in-law of the complainant in terms of the order passed by the High Court, which has been affirmed today by a separate order passed in Criminal Appeal No.399/2020 arising from Special Leave Petition (Crl.) No.5231/2019 List the matter in the second week of July, 2020.

Application (I.A. No.196179/2019) is disposed of with direction to the concerned Courts to expedite the trials between the parties with liberty to the applicant(s) to renew the request made in the application, if and when occasion arises.

Parties through counsel assure to extend full cooperation to the trial Court for early disposal of the trial. This assurance is placed on record.

Leave granted.

The appeal and pending applications are disposed of in terms of the signed order.

(NEETU KHAJURIA)
COURT MASTER

(VIDYA NEGI)
COURT MASTER

(Signed order is placed on the file.)