

# Shambhu Singh Khetasar vs State (Nct Of Delhi) & Anr on 18 September, 2020

**Author: Anu Malhotra**

**Bench: Anu Malhotra**

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IN THE HIGH COURT OF DELHI AT NEW DELHI  
CRL.M.C. 10/2020 & CRL.M.A. 12879/2020

SHAMBHU SINGH KHETASAR

..... Appl

Through: None.

Versus

STATE (NCT OF DELHI) & ANR

.....Respo

Through: Ms.Meenakshi Dahiya, APP for Stat  
with SI Bhanwar Singh, Sec-V/EOW.

HON'BLE MS. JUSTICE ANU MALHOTRA  
ORDER

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18.09.2020

(physical hearing)

CRL.M.A. 12879/2020 in CRL.M.C. 10/2020

So far no notice of the petition is indicated to have been issued to the respondents.

In reply to a specific Court query, it has been submitted by the learned APP for the State that the supplementary charge sheet under Section 173(8) of the Cr.P.C., 1973, has so far not been filed. It is also informed on behalf of the State that there are 139 properties in relation to which investigation is being conducted.

The matter is indicated to have been listed for the date 30.04.2020 when it could not be taken up in view of the present pandemic and was thus re-notified for the date 19.10.2020 and is now taken up on CRL.M.A. 12879/2020 filed on behalf of the petitioner seeking an early hearing submitting inter alia to the effect that the applicant is a senior citizen aged 70 years and unnecessary dragged in the matter with no role attributed against him.

It has been submitted on behalf of the applicant that he was only arrayed in Column no.12 of the charge sheet and there was no evidence found against him and the learned Trial Court vide the order dated 02.08.2019 vide a non-speaking order has directed issuance of summons with the order dated 02.08.2019, which reads to the effect:-

STATE VS. RAJENDER SINGH KHETASAR PS Connaught Place 02.08.2019

Present: Sh.Aniket Kumar, Ld. Sub. Learned APP for State for the State.

IO SI Bhanwar Singh, PS EOW in person.

Cognizance taken.

Summons be issued to the accused for 18.09.2020." It has further been submitted on behalf of the applicant vide the present application that the learned Trial Court has been insisting for his physical appearance in view of his name shown in Column No.12 and that he is a resident of Jodhpur, Rajasthan and travelling in the prevailing pandemic is dangerous for his life.

In as much as, learned APP for the State in reply to a specific Court query states that the matter is fixed for 23.09.2020 before the learned Trial Court and does not dispute the factum of the applicant having been arrayed in the charge sheet in Column No.12, presently, the applicant not even being present before the Court despite the early hearing application, in the interest of justice, presently, the presence of the applicant before the learned Trial Court in proceedings in relation to FIR No.357/2008, PS Connaught Place is directed to be exempted through counsel representing him till further orders.

In the event, if, at any stage, the personal appearance of the applicant is required by the learned Trial Court, the applicant may be called upon to join the proceedings before the learned Trial Court through Video Conferencing, he being a senior citizen aged 70 years and not a resident of Delhi.

In view of the board of the Court, however, it is not possible to prepone the date of hearing and the application seeking an early hearing is declined. CRL.M.A. 12879/2020 stands disposed of.

Notice of the petition i.e. CRL.M.C. 10/2020 be also issued to the respondent no.2 on taking of steps by the applicant/petitioner, returnable for the date 19.10.2020.

The status report be also submitted by the State before the next date of hearing.

The matter be re-notified for 19.10.2020, the date already fixed. Copy of this order be however sent to the learned Trial Court seized of FIR No.357/2008, PS Connaught Place for compliance of the direction hereinabove.

ANU MALHOTRA, J SEPTEMBER 18, 2020 „neha chopra