

TP (Crl) No.08/25
Sanjucta Kabasi & Anr. Vs State & Anr.

03.03.2025

Present : Petitioner/Advocate in person.
 Sh. Pankaj Bhatia, Ld. Substitute Addl.PP for the
 State/respondent no.1.
 Sh. Yogi Pahal, Ld. Counsel for respondent no.2.

Ld. Counsel for respondent no.2 files reply to this
petition. Copy given.

Heard arguments.

Put up for orders at 4.00 pm.

(SANJAY GARG-I)
Principal District & Sessions Judge (Central)
Delhi/03.03.2025(D)

At 4.10 pm

Present : None.

Petitioner/Advocate submits that she is complainant in FIR No. 188/2019 and accused in case FIR No.189/2019, PS Civil Lines and both these matters were pending before Ld. JMFC-06. She submits that Ld. Trial Court is biased against her, she is not treated fairly and constant pressure has been built on her by the Ld. Trial Court to complete the evidence without giving any opportunity to her in cross examination of the complainant in the FIR lodged by her. It is stated that in cross FIR No.189/19 in which she is accused, adjournments are given to the complainant and other prosecution witnesses but when she

as a witness has sought adjournment, the Ld. Trial Court has refused to give adjournment and had issued B/Ws in the sum of Rs.10,000/-.

Ld. Counsel for respondent no.2 submits that there is another FIR No.191/19 of PS Civil Lines, trial of which is pending before the same Court and in this chargesheet, mother of the petitioner is accused. He submits that in this case since mother of the petitioner is getting favourable orders, due to this reason she has no grievance regarding this case. He submits that examination in chief of the petitioner was concluded in May, 2024, after that various opportunities were given to her to appear and face cross examination, but on one pretext or the other, she kept on seeking adjournments and it was in the background of these facts, the Court was forced to issue B/Ws in the sum of Rs.10,000/- against her on 25.01.2025.

As per the ordersheets of the chargesheet in FIR No. 188/19 filed on record, on 21.01.2025, petitioner being PW-1 was further examined and partly cross examined and her further cross examination was deferred at her request. She was bound down for 25.01.2025 at 2.00 pm. On 25.01.2025, petitioner as PW-1 did not file appearance before the Ld. Trial Court. on account of this, Court had issued B/Ws against her in the sum of Rs.10,000/- with one surety in the like amount to be executed through the office of DCP concerned.

Ld. Counsel for respondent no.2 has filed copies of ordersheets in FIR No. 189/2019 alongwith his reply to reflect on the conduct of the petitioner before Ld. Trial Court. As pointed

out by Ld. Counsel for respondent no.2, on 09.08.2024 petitioner has requested for adjournment on the ground that other witness is not available and further stating that she has to rush to her house due to personal exigency. On that date, the same Ld. Trial Court had allowed her request. On 26.11.2024, the petitioner as witness has sought adjournment stating that her counsel is not available and she too has a matter listed before Court no.115, KKD Courts. Her request was allowed, she was bound down for the next date and she was directed to produce the ordersheet of the KKD Court by NDOH. On 19.12.2024, the petitioner as a witness was present but she was discharged unexamined and bound down for NDOH.

It is relevant to mention here that during the course of arguments, the petitioner/Advocate has stated that Court has “setting” with the other party. On this the petitioner was told not to use such words against the Ld. Trial Court without any conclusive evidence. On this she told that she had made a complaint supported by her affidavit to the Hon’ble High Court against the Ld. Trial Court.

The trial in both the connected matters are going on before the Ld. Trial Court. Both the matters are at the stage of examination of complainant and other witnesses. As stated by Ld. Counsel for respondent no.2, Court has accommodated the petitioner on various dates by deferring her cross examination. It was in the background of these facts that on 25.01.2025, on account of non appearance of petitioner, B/Ws in the sum of Rs.10,000/- with one surety got issued against her. As per the

facts narrated above, petitioner has failed to show any biasness or unfair treatment against her by the Ld. Trial Court. The petition is found without merit. The same is hereby dismissed.

Copy of the order be sent to Ld. Trial Court.

Transfer petition file be consigned to record room.

(SANJAY GARG-I)
Principal District & Sessions Judge (Central)
Delhi/03.03.2025(D)