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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ W.P.(CRL) 579/2022

SAURABH SHARMA

..... Petitioner

Through: Mr.Siddharth Aggarwal, Sr. Advocate
with Mr.Faraz Marbool,
Ms.Sowjhanya Shankaran and
Mr.Chandan Kumar, Advocates.

versus

STATE OF NCT OF DELHI & ANR.

..... Respondents

Through: Mr.R.S. Kundu, ASC for the State.
Mr.Mohit Mathur, Sr. Advocate with
Mr.Arshdeep Singh, Mr.Vishvendra
Tomar, Ms.Neeha Nagpal, Mr.Ayush
Agarwal and Ms.Supriya Julka,
Advocates for Respondent No.2.

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

ORDER

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10.05.2022

CRL.M.A. 9058/2022

1. This is an application filed under Section 482 Cr.P.C. on behalf of the petitioner seeking following directions qua the chargesheet dated 21.03.2022 filed before the learned trial court in proceedings emanating from FIR No.222/2019 registered at Police Station: EOW.

"I. Grant an ad interim stay of impugned orders dated 21.04.2022, 25.04.2022, 29.04.2022 and 29.04.2022 passed by the ld. trial court in case FIR no.222/2019 registered by PS EOW titled 'Learning Leadership Foundation v. Raffles Education' along with all proceedings emanating therefrom and/or connected thereto;

II. Set aside and quash impugned orders dated 21.04.2022, 25.04.2022, 29.04.2022 and 29.04.2022 passed by the ld. trial court in case FIR No.222/2019 registered by PS EOW



titled 'Learning Leadership Foundation v. Raffles Education' along with all proceedings emanating therefrom and/or connected thereto;

III. Direct the respondent no.2 to forthwith return the copy of the chargesheet (physical and/or electronic/digital) along with all its relied upon documents {physical and/or electronic/digital} supplied to it vide impugned orders dated 25.04.2022 & 29.04.2022 in proceedings emanating from fir no.222/2019 registered by PS EOW titled 'Learning Leadership Foundation v. Raffles Education' ;

IV. Direct the respondent no.2 to provide a written undertaking that any copy and/or backup in any form whatsoever (physical or digital) of the said chargesheet and its relied upon documents {physical and/or electronic/digital} shall be forthwith deleted from all such places where such a copy and/or back-up exists and that no further copies and/or backup thereof will be made, taken, stored, shared, disseminated, transferred etc. to any person and/or entity along with passing such other incidental/connected directions as may deemed necessary by this Hon'ble Court;

V. Direct the respondent no.2 to provide a written undertaking that upon the afore-mentioned deletion, the respondent no.2 and/or any person/entity connected thereto {including third parties with whom the said material(s)/documents may have been shared with} will have no access to the said chargesheet and its relied upon documents {physical and/or electronic/digital} either directly or indirectly and will not use the same in any manner or for any purpose whatsoever along with passing such other incidental/connected directions as may deemed necessary by this Hon'ble Court."

2. Issue notice. Learned counsel for the respondent appears on advance notice and accepts notice. Reply be filed within four weeks from today with an advance copy to the learned counsel for the petitioner.

3. Learned counsel for the petitioner contends that the chargesheet has been filed before the learned trial court on 21.03.2022 but the cognizance is yet to be taken. However, in the meantime, an application was filed on behalf of the complainant/respondent No.2 on 21.04.2022 for providing digital copy of the entire chargesheet to the complainant. It is further urged that without issuing any notice to the accused and prior to the taking of



cognizance, digital copies of the documents have been supplied to the complainant by the learned trial court and the same was not objected to by the learned APP for the State. Learned counsel for the petitioner in nutshell challenges the right of the complainant to obtain the aforesaid copies prior to taking of cognizance and submits that the documents which are part of chargesheet contain some sensitive data pertaining to the petitioner as well as third parties.

4. The application has been vehemently opposed by Mr. Mohit Mathur, Sr. Advocate for the complainant. Reliance is placed upon '**Bhagwant Singh vs. Commissioner of Police and Another**' (1985) 2 SCC 537 and it is submitted that the complainant has a right to be supplied with the copy of the aforesaid documents, considering the fact that the chargesheet has been filed pursuant to 'protest petition' in which the complainant had duly participated. He further challenges the locus of the petitioner to file an application at this stage since cognizance is yet to be taken by the learned trial court and the process is yet to be issued to the petitioner.

5. The rights of the victim/complainant to participate in the proceedings stand recognized under provisions of Cr.P.C. and since the petitioner also joined the proceedings on filing of protest petition, a undertaking by respondent No.2, as prayed is not called for at this stage. However, it is hereby directed that the complainant, till the next date of hearing, shall not use the aforesaid copies of the chargesheet/documents, except for pursuing appropriate remedies before the appropriate forum of law.

List on date already fixed, i.e. 21.07.2022.

ANOOP KUMAR MENDIRATTA, J.

MAY 10, 2022/R