

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. 3240/2000

(From the judgement and order dated 12/11/1999 in CRLM 1946/93  
of The HIGH COURT OF DELHI AT N. DELHI)

DELHI DEVELOPMENT AUTHORITY

Petitioner (s)

VERSUS

RAJINDER SHARMA

Respondent (s)

( With Appln(s). for exemption from filing c/c of the impugned Judgment  
stay ) ( For Final Disposal )

Date : 02/05/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.T. THOMAS  
HON'BLE MR. JUSTICE R.P. SETHI

For Petitioner (s) Ms. Kum Kum Sen,Adv.  
Mr. Avimuki Das, Adv.  
Mr. Ashish Gupta, Adv.

For Respondent (s) Mr. KN Bhatt, Sr.Adv.  
Mr. D.N. Goburdhan,Adv.  
Ms. Ketki Goswami, Adv.

UPON hearing counsel the Court made the following  
O R D E R

.....L.....I.....T.....T.....T.....T.....T.....J  
.SP2

Leave granted.  
The appeal is disposed of.

.SP1 Hemalatha (HK Bhatia)  
Court Master

(Signed order is placed on file)

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IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.595 OF 2001@@  
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(Arising out of SLP(Crl)3240 of 2000)

DELHI DEVELOPMENT AUTHORITY

... APPELLANT

VS.

DR. RAJINDER SHARMA

...RESPONDENT

O R D E R@@  
CCCCCCCC

.SP2  
.PL55

Leave granted.

Appellant (Delhi Development Authority) filed a complaint against the respondent before the court of a metropolitan magistrate alleging that respondent has committed an offence under Section 29(2) of the Delhi Development Act 1957 on the premise that respondent has violated Section 4 of the said Act. The complaint was taken on file by the magistrate and process was issued to the respondent. Thereafter the respondent moved the High Court for quashing the criminal proceedings launched against him. By the impugned order a learned single judge of the High Court quashed the proceedings.

The reason highlighted by the learned single judge for quashing the criminal proceedings can be seen from the following observation made in the impugned order:-

.....L.....I.....T.....T.....T.....J  
.SP1

"There is nothing on the record to show that the zonal plan produced before this Court was approved by the Central Government on or before the date

-2-

of the alleged commission of the offence. That being so, the Zonal Plan produced before this Court does not help the prosecution. As noticed earlier, the Zonal Map produced before the trial court does not show that the Yamuna Vihar colony was included in the said plan and so the provisions of section 14 of the Act are not attracted to the facts of the present case. In this view of the matter, there is no prospect of the case ending in conviction and valuable time of the trial court would be wasted for holding the trial only for the purpose of formally complying the procedure and pronounce its conclusion on a future date."

.....L.....I.....T.....T.....T.....T.....T.....J  
.SP2

Learned counsel for the appellant-DDA, Ms. Kum Kum Sen made an endeavour to show that the zonal plan relied on by the authority has been approved by the Central Government in accordance with law. Mr. KN Bhatt, learned senior counsel appearing for the respondent contended that the Authority has not produced materials before the High Court to substantiate that contention.

We are of the opinion that the High Court had

quashed the proceedings forestalling the complainant from producing the evidence in the trial court or substantiating their allegations in the complaint. We refrain from expressing our opinion on the rival contentions as to the merits but we are of the definite opinion the trial should proceed and reach its logical

-3-

conclusion. To facilitate the aforesaid course we set aside the impugned order.

If the respondent makes an application for exempting him from personally appearing in the court the same shall be granted on the following conditions:-

.....L.....T.....T.....T.....T.....J  
.SP1

1. Counsel on behalf of the accused would be present in the court whenever his case is taken up;
2. The accused will not dispute his identity as the particular accused in the case;
3. The accused will be present in the court when such presence is imperatively needed.

.....L.....I.....T.....T.....T.....T.....T.....J

.SP2

The appeal is disposed of accordingly.

.SP1

.....J  
(K.T. Thomas)

New Delhi  
May 2, 2001

.....J  
(R.P. Sethi)