



2026:DHC:6464



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

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Date of Decision: 10.08.2026

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CNR No. DLHC010363452026

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W.P.(CRL) 2381/2026

MANNU@MOGLI

.....Petitioner

Through: Mr. Faisal Khan, Advocate (*through videoconferencing*).

versus

STATE NCT OF DELHI & ANR.

.....Respondents

Through: Ms. Rupali Bandhopadhyaya, ASC for State (*through videoconferencing*) with Mr. Abhijeet Kumar, Advocate and Inspector Rajendra Singh, PS Narela.**CORAM: JUSTICE GIRISH KATHPALIA****J U D G M E N T (ORAL)**

1. For convenience, the prayer clause of this writ petition is extracted below:-

“a) Issue an appropriate writ, order or direction directing the Learned Trial Court to secure the presence of the material eye-witness, namely Deepak, by adopting all measures permissible in law, including coercive process, wherever warranted, and to record his testimony within a fixed period, preferably within Three weeks;

b) Direct that no unnecessary adjournment shall be granted to the prosecution on account of the absence of the said witness unless exceptional circumstances are recorded in writing;

c) Direct the prosecution and the Investigating Officer to ensure the



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presence of the said witness on the date fixed by the Learned Trial Court;
d) *Direct the Learned Trial Court to proceed with the recording of the testimony of the said eye-witness on a day-to-day basis, as far as practicable, until its conclusion;*
e) *Pass such other or further order(s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case."*

2. Learned counsel for petitioner submits that the witness namely Deepak has not been appearing before the trial court, due to which the trial is being protracted, therefore, the directions as prayed in the prayer clause are sought from this Court.

3. As per the relevant orders of the trial court filed with the present petition, charges were framed vide order dated 13.02.2026 by the trial court, posting the matter for prosecution evidence on 29.05.2026 and 05.06.2026, for which dates, summons were issued to two witnesses namely, Deepak and Jahid, and the IO. On the next date, 29.05.2026, PW Deepak appeared and requested for adjournment on the grounds of his ill health, so learned trial court bound down Deepak for 05.06.2026; on 29.05.2026, PW Jahid also was present and was bound down for 05.06.2026. On the next date (05.06.2026), PW Deepak did not appear, so the trial court directed issuance of summons to him returnable on 09.10.2026.

4. In other words, the trial for prosecution evidence was listed only on two dates, out of which on first date the witness Deepak was unwell, so bound down and on the second date, Deepak did not appear. The petitioner has placed on record copies of ordersheets dated 29.05.2026 and 05.06.2026.



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From order dated 29.05.2026, it does not appear that signatures of witness Deepak were obtained on the ordersheet in order to be sure that Deepak had noted down the next date. That being so, absence of Deepak on 05.06.2026 is understandable, so learned trial court directed issuance of fresh summons to him, and rightly so.

5. It certainly is not a case where the trial is being protracted, for which the petitioner would approach this Court and seek directions of the nature in the prayer clause extracted above. The present petition is not just devoid of merit and frivolous, but appears to have been filed with some mischievous purpose, so it is dismissed with cost of Rs. 20,000/- to be deposited by the petitioner online with www.bharatkeveer.gov.in within one week from today.

6. Copy of this order be sent to the trial court to ensure compliance.

**GIRISH KATHPALIA
(JUDGE)**

AUGUST 10, 2026/dr