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(2026) 08 DEL CK 4300

In the Delhi High Court, Principal Bench, New Delhi

Case No : CRL.REV.P. 921/2024 & CRL.M.A. 21057/2024

Vijay Kumar Gupta APPELLANT

Vs

State NCT Of Delhi RESPONDENT

Date of Decision : 04-08-2026

Acts Referred:

Citation : (2026) 08 DEL CK 4300

Hon'ble Judges : Manoj Jain, J

Bench : Single Bench

Advocate : Mr. Vikas Arora, Mr. Sachin Arora, Ms. Rashi Priya, Mr. Manvendra Singh, Mr. Vansh Arora, Mr. Kartikeya Shrotriya, Mr. Shoaib Haider, APP for State

Judgement

1. SI Sujeet Kumar Mandal from Police Station Kanksa, District Burdwan, West Bengal came to Delhi in order to arrest accused persons wanted in three different FIRs i.e. FIR No. 67/2010, FIR No. 70/2010 and FIR No. 85/2010 registered with their aforesaid Police Station. He took help of local SHO and Ct. Vidya Sagar was deputed by SHO, PS Model Town for rendering due assistance to him and his team to arrest the concerned accused persons.

2. Police team reached at the house in question at about 5.50 AM.

3. The police team wanted to arrest accused Sanjay Gupta, who was found present in the aforesaid house.

4. The ladies present in the house and other occupants, including applicant herein, started raising shouts and in the melee and commotion, Sanjay Gupta, taking advantage of the situation, got himself released forcefully and was able to flee away. FIR also records that Sanjay Gupta also stated that he wanted to use restroom but since he did not come out of the restroom, it was realized that he had fled from there.

5. It is in the aforesaid backdrop that a case was registered against all such occupants of the aforesaid house for causing obstruction to the public servants,

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who were performing their duties.

6. There were, in all, five accused persons, including petitioner Vijay Kumar Gupta.

7. Petitioner Vijay Kumar Gupta is, reportedly, 75 years of age.

8. When learned Trial Court took up the matter on 20.06.2015, it noted the fact that SI Sujeet Kumar was not having authorization to conduct raid and to arrest Sanjay Gupta in the given case and, therefore, came to the opinion that there was no incriminating material against the accused persons and they all were, therefore, discharged.

9. Such order was assailed by the prosecution by filing a Revision Petition.

10. Though, learned Revisional Court appreciated the fact that SI Sujeet Kumar was not having requisite authorization but it also went on to hold that the police officials were discharging their duties and that there was wrongful obstruction and assault upon them. Fact, however, remains that though, Revision Petition was allowed, learned Revisional Court remanded the matter to the learned Trial Court with a specific direction i.e. *direction to re-hear the arguments on the point of charge*. Learned Revisional Court also mentioned in such order that nothing stated therein would tantamount to expression of opinion on the merits of the case. Thus, net effect of the aforesaid order passed by learned Revisional Court is that arguments on charge are to be re-heard and, thereafter, learned Trial Court is required to proceed further with the matter in accordance with law.

11. Undoubtedly, learned Revisional Court, while directing the learned Trial Court to re-hear the arguments, also made an observation that the Trial Court would frame the charges under appropriate Sections. Such observation is superfluous in nature as the learned Revisional Court, in no uncertain terms, has remanded the matter and has directed the matter to be re-heard. Moreover, as already noticed above, learned Revisional Court has, itself, put a *caveat* and has clarified that observations made in the order would not be taken as reflection of opinion on the merits of the case.

12. Learned counsel for petitioner submits that learned Trial Court has not yet decided the matter and the next date is stated to be 17.12.2026.

13. Learned counsel for petitioner reiterates that the action in question was completely unauthorised and that, even otherwise, there was never any obstruction on their part. He also relies upon *Sandeep Kumar vs. State (Govt of NCT of Delhi): 2019 SCC OnLine Del 11901*. However, since the learned Trial Court is seized of the matter, there is no real requirement of answering the same in the present petition. All such contentions can always be made before the learned Trial Court.

14. Keeping in mind the overall facts, the present petition is disposed of with direction and clarification that the learned Trial Court would hear the arguments

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on the point of charge, strictly, in accordance with law, without being influenced by the observations appearing in order dated 21.05.2024 of learned Revisional Court. Since the alleged incident is of the year 2010 and the case has already got delayed and one of the accused is in his seventies, this Court expects that there would not be any further delay in deciding the matter.

15. Petition stands disposed of in aforesaid terms.

16. All rights and contentions of the parties are left open. Needless to say, the petitioner would always be at liberty to take recourse to any permissible judicial remedy, in case he feels aggrieved by any order of learned Trial Court.

17. A copy of this order be sent to learned Trial Court for information and due compliance.

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