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

% *Date of Decision: 17.11.2026*

\# **CNR No. DLHC010545952026**

\+ **CRL.M.C. 8457/2026 & CRL.M.A. 35421/2026 & CRL.M.A. 35422**

KARAN KAPOOR .....Petitioner

Through: Mr. Rohit Gupta, Advocate.

versus

STATE (GOVT OF NCT OF DELHI) & ORS. .....Respondents

Through: Ms. Manjeet Arya, APP for State.

CORAM: JUSTICE GIRISH KATHPALIA

J U D G M E N T (ORAL)

1. The petitioner seeks directions to the trial court to decide and pronounce orders on his application under Section 175(3) BNSS expeditiously and preferably within one week.

2. It is submitted by learned counsel for petitioner that arguments on the pending application were advanced thrice and the matter was thrice posted for orders. Lastly, the arguments were heard on 31.10.2026 and the matter was posted by the trial court to 28.01.2027 for orders.

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3. Learned APP for State accepts notice and in all fairness does not object to this petition.

4. It is not a case where the matter before the trial court is not reaching conclusion within reasonable time on account of pendency. It is also not a matter of pendency of a trial, which would be on account of multiple factors like non-availability of witnesses, non-availability of prosecutors and/or delay in forensic reports etc. It is a matter where arguments on a miscellaneous application were heard repeatedly and the matter was posted for orders repeatedly.

5. I am conscious that in the ordersheets, after conclusion of arguments, the trial court had been posting the matter for orders or for clarifications, if any. But mention of the word "clarifications" does not sound convincing and appears to be mechanical, so as to serve as justification for failure to pronounce order in time. More so, because it appears that earlier on 20.05.2026 arguments were heard and the matter was adjourned to 14.07.2026 for orders/clarifications and thereafter for as many as six consecutive dates the court was not held and finally on 31.10.2026, arguments were heard for the third time.

6. I find substance in the submission of learned counsel for petitioner that after conclusion of arguments, the orders should be pronounced as soon as possible, so that while dictating the order, the arguments raised are fresh

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in the mind of the judge. In fact, posting the matters to unjustifiably long dates after hearing arguments gives rise to need for obtaining clarifications.

7. Of course, the procedural criminal law is silent on time within which orders on miscellaneous applications must be passed by the courts. But one must take cue from the provision under Section 258(1) BNSS which stipulates that after hearing arguments, the trial Court of Sessions shall give a judgment as soon as possible within 30 days of completion of arguments, which period may be extended to 45 days for reasons to be recorded in writing. Keeping a criminal (*or for that matter, even civil*) matter undecided over unreasonable period after conclusion of arguments, be it the final arguments or even miscellaneous arguments erodes confidence of public in the justice delivery system. The logic applies equally to the Court of Sessions as well as the Court of Magistrate dealing with criminal trials.

8. Considering the above circumstances, the petition is allowed, thereby directing the trial court to pass orders on the application under Section 175(3) BNSS of the petitioner within 15 days from today. Pending applications also stand disposed of.

9. Copy of this judgment be sent forthwith to the trial court for compliance.

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10. Copy of this judgment be also sent to all Principal District & Sessions Judges, for being conveyed to all Courts in Delhi dealing with criminal cases to ensure that in a criminal matter once arguments on any issue, be it final arguments or miscellaneous arguments, and be it before the Court of Sessions or the Magistrate, are concluded, the order/judgment shall be pronounced within a reasonable time; and that the said reasonable time in case of final judgment shall be a period of at the most 30 days to 45 days as contemplated vide Section 258(1) BNSS and not more than 15 days in other cases, so that faith of public in criminal justice machinery does not get eroded.

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(JUDGE)

NOVEMBER 17, 2026/*dr*

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