Annexure - B

IN THE COURT OF .Ms...MANU SHREE..... MM.PATIALA
HOUSE COURT, NEW DELHI
DD. NO.: 25A OF 2015

IN RE:

STATE VERSUS DEEPAK & OTHERS

PS: TUGHLAK TOAD
U/S 92/97 DP. ACT
DOH: 30-05-2022

विषय : एविडेंस / क्रॉस में अदालत में इस्तेमाल की गई हिंदी भाषा में ही लिखा जाए.

MOST RESPECTFULLY SHOWTH:-

अदालत से हमारी प्रार्थना है कि एविडेंस / क्रॉस में हमारे द्वारा हिंदी में पूछे गए सवाल और वादी द्वारा दिए गए जवाबों को हिंदी में टाइप किया जाए. हिंदी से इंग्लिश अनुवाद में कई बार सवाल और जवाब के अर्थ में कुछ बदलाव आ जाता है जो नहीं आना चाहिए. सवाल - जवाब जिस सन्दर्भ में हुआ है उसको वैसा ही लिखा और पढ़ा जाना चाहिए. तथा पिछली बार एविडेंस / क्रॉस में वादी द्वारा दिए गए जवाब तो लिखे गए पर कुछ सवाल नहीं लिखे गए जिससे ये स्पष्ट नहीं होता कि एक्स्जेट क्या प्रशन पूछा गया था. अत: अदालत से हमारा अनुरोध है कि वादी द्वारा दिए गए हर जवाब सहित सवाल को भी हिंदी भाषा में ही लिखा जाए.

Deepak.

Geeta

Manoj Arora.

प्रमाणित
11 MAY 2022
हस्ताक्षर

Annexure- C

Cr Cases 39106/2016
State Vs. Deepak & Ors.
DD No. 25A
PS Tughlak Road

30.05.2022

Present : Sh. Ankit Srivastava, Ld. APP for the State.
All accused in person (except accused Sudhir Singh and Anu Mehta, who have already pleaded guilty).
Sh. Pravesh Nirwal, Ld. Proxy Counsel for the accused.
Ct. Ved Prakash, Ct. Kapil Kumar and SI Mahender Singh in person.

An application has been filed on behalf of accused as per which they have requested that the questions during their cross-examination be asked in Hindi and answers to the same be also noted down in Hindi, however, due to logistical shortcomings, the application cannot be allowed and the accused have been offered assistance by the undersigned for translation of the questions and for noting their answers in a manner as stated by them and without losing any meaning in translation. Accordingly, the application stands dismissed.

Ct. Kapil has been cross-examined as PW-2 and accordingly, discharged.

Retd. SI Mahender Singh and HC Ved Prakash have been examined as PW-3 and PW-4 respectively, cross-examined and discharged.

Issue notice to concerned Duty Officer(s) who have written DD No. 16A dated 05.04.2015 and DD No. 18A dated 05.04.2015 for **07.10.2022**.

(Manu Shree)
MM-03/PHC/ND/30.05.2022

प्रमाणित

हस्ताक्षर

Crl. Rev. No. 508/2022
Gulshan Pahuja v. State

29.10.2022
Present: Revisionist in person with Sh. Manish Jain, Advocate.
Sh. Ravinder Khandelwal, Ld. Addl. PP for the State/respondent.

ORDER

1. This order shall decide the aforesaid criminal revision petition filed by the revisionist/accused under Section 397 Cr.PC assailing the impugned order dated 30.05.2022 passed by the Ld. MM whereby his application requesting recording of evidence in Hindi language was declined.

2. Briefly stated, the revisionist along with other co-accused are facing trial for committing offences under Section 92/97 of the Delhi Police Act. The record shows that the notice of accusation under Section 251 Cr.PC was given to the revisionist and other co-accused persons on 19.03.2016 and during the course of long trial, four witnesses have been examined so far. It appears that on 30.05.2022, an application was moved by the revisionist requesting that questions asked during the cross-examination of the witnesses be asked in Hindi and answers to the same be also written down in Hindi. The said request was declined by the Ld. MM vide impugned order dated 30.05.2022 holding that "due to logistical shortcomings, the application cannot be allowed and the accused have been offered assistance by the undersigned for translation of the questions and for noting their answers in a manner as stated by them and without losing any meaning in translation".

3. Having heard the Ld. Counsel for the revisionist and the Ld. Addl. PP for the State, I am afraid that the impugned order cannot be sustained in law as it is a result of palpable contravention to Section 272 of the Cr.PC which stipulates that the State Government may determine what shall be the language of the Court and as per the Delhi High Court Rules Vol.I vide Rule 1(b)(i), it is provided that Hindi in Devnagri script shall be the language of the courts subordinate to the High Court. There have been issued several circulars from the office of the District & Sessions Judge from time to time dated 31.03.1979, 12.09.2003, 15.11.2003 and lastly on 26.07.2017, calling upon the courts to give preference of hearing of arguments and recording of evidence in Hindi Devnagri script.

4. In view of the categorical position of law vide Section 272 Cr.PC read with Delhi High Court Rules, the Courts are duty bound to record the evidence or any other proceedings in Hindi, whenever a request is made in this regard. It is not understandable as to what logistical problem the Ld. MM is speaking about. The statement of the witnesses can be recorded on the computer desktop, which has Hindi Font by the Stenographer, and if the Court Stenographer is not proficient in typing in Hindi, a requisition for a Hindi Typist can be made. In case, a Hindi Typist is not available, the Ld. MM either herself/himself or through court staff shall get the statement of the witness recorded in Hindi. Accordingly, the impugned order dated 30.05.2022 is hereby set aside and the Ld. MM is directed to record the testimony of the witnesses henceforth in Hindi language.

5. Trial Court Record be sent back along with copy of this order.

6. Revision file be consigned to Record Room.

(Dharmesh Sharma)
Principal District & Sessions Judge
New Delhi/29.10.2022