

26 CR Cases 3404/2018 STATE Vs. VENUGOPAL DHOOT ETC. 125/2016
(EOW SOUTH)

30.05.2026

Present: Sh. Bhavesh Verma, Ld. Substitute APP for the State.
Ms. Shambhavi Singh, Ld. Proxy Counsel for accused.

Matter is fixed for framing of charge upon the accused.

- 1) This matter is more than six years old and is fixed today for the framing of charges upon the accused.
- 2) Today, the matter was specifically kept and fixed at 2:00 PM to accommodate the parties and ensure that either the accused could conveniently join the proceedings via Video Conferencing (VC) or it would be fully convenient for the learned counsel to appear and assist the Court.
- 3) At this stage, another application for exemption from personal appearance has been filed on behalf of the accused, asserting that due to hospitalization, he is unable to attend the proceedings of this Court.
- 4) Perusal of the record shows that vide order dated 26.05.2026, which was passed in the presence of the main counsel for the accused, it was explicitly clarified that this matter has been pending at the stage of framing of charges for the past several dates and the accused has repeatedly failed to be produced even through VC.
- 5) In the order dated 26.05.2026, it was clarified on the last date itself that if the accused cannot appear through VC, the charges would be framed against the accused through his counsel.
- 6) Upon specific inquiry from the Proxy Counsel present in the Court today, it is submitted that the main counsel is unable to appear today

due to a family emergency. It is further informed by the proxy counsel that the accused has filed a revision petition against the order dated 26.05.2026 before the Hon'ble High Court of Delhi.

- 7) In a nutshell, the following observations are made on the conduct of the accused in the present case: the accused has taken all possible efforts to avoid appearing before this Court and to deliberately stall the framing of charges. The historical chronology of medical exemptions filed by the accused stands as under:
03.02.2025: Exemption application filed on medical grounds.
03.03.2025: Exemption application filed on medical grounds.
26.06.2025: Exemption application filed on medical grounds.
11.11.2025: Exemption application filed on medical grounds.
10.03.2026: Exemption application filed on medical grounds.
07.05.2026: Exemption application filed on medical grounds, where it was directed that the accused be present through VC, to which no objection was raised by his counsel.
26.05.2026: Accused not produced via VC on the ground of hospitalization, prompting the conditional order to frame charges through counsel today.
- 8) A clear cue can be taken from the sequence of events that the accused is deliberately and intentionally avoiding appearance before this Court, even through virtual mode via VC.
- 9) Video Conferencing is a facility designed precisely to remove logistical and health-related hurdles for medical patients.
- 10) The complete and persistent refusal to join even a brief virtual session confirms that the alleged medical grounds are being used as a tactical delay.
- 11) Filing a revision petition before the Hon'ble High Court without any

stay order operating on record does not automatically stay the proceedings before this Court.

- 12) A trial cannot be allowed to linger indefinitely at the whim of an accused, especially in a matter that is already over six years old.
- 13) The right to a speedy trial is a fundamental right under Article 21 of the Constitution of India, available to the victim and society.
- 14) The absence of the accused today via VC, despite the matter being listed at a convenient afternoon hour (2:00 PM) specifically for his convenience, confirms that the accused is actively avoiding the court process. Therefore, the medical exemption application stands rejected. The bail bonds and surety bonds of the accused stand forfeited to the State. Let a Non-Bailable Warrant (NBW) be issued against the accused, to be executed through the concerned SSP/DCP, returnable on the next date of hearing.
- 15) Today, a proxy counsel appeared on behalf of the main counsel, stating that the main counsel could not attend due to a sudden family emergency. While this Court notes the personal difficulty cited by the learned counsel, it is observed that no formal written application seeking adjournment or exemption from appearance has been moved on behalf of the advocate, nor is there any supporting affidavit detailing the emergency. Given that the matter was explicitly fixed today at 2:00 PM for the framing of charges with clear prior instructions that charges would be framed through counsel if the accused remained unavailable the learned counsel was expected to make alternative arrangements or file a formal request to ensure proper assistance to the Court. An advocate is, first and foremost, an officer of the Court. Their primary duty is to assist in the

administration of justice and maintain the dignity of judicial proceedings. The counsel is expected to cooperate with the court process on the next date to ensure the smooth progress of the trial.

- 16)The record shows a recurring pattern where multiple medical certificates have been issued to the accused, continuously declaring him unfit even for a brief virtual appearance via VC. These certificates have been issued by Dr. Varun B. Gavali, KEM Hospital, Mumbai.To ascertain the veracity of these medical claims and to determine whether these certificates are being issued as a subterfuge to defeat the process of law, an independent verification is necessary. Let a court notice be issued to Dr. Varun B. Gavali, KEM Hospital, Mumbai, directing him to appear in person before this Court on the next date of hearing.
- 17)Dr. Gavali is directed to bring the complete medical record, case history, treatment papers, and indoor patient registers of the accused to clarify whether the medical condition of the accused genuinely prevents him from participating in a brief virtual court proceeding.
- 18)The matter is heavily delayed. No further dilatory tactics will be tolerated. The concerned SSP/DCP concerned is directed to ensure strict execution of the NBW issued against the accused.
- 19)Put up for appearance of the accused, execution report of NBW, personal appearance of Dr. Varun B. Gavali, and framing of charges on **27.06.2026**.

Date is given as per the convenience of Ld. Counsel for the accused.

(Niharika Kumar Sharma)
Chief Judicial Magistrate
South/Saket/30.05.2026