

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