

SC no.03/21
State Vs Kuldeep and ors.
FIR no.78/20
PS Karawal Nagar

14.09.2021

Present: Sh.Manoj Chaudhary, Ld.Special PP for the State
alongwith IO Inspector Manoj Kumar.

Sh.Abdul Gaffar, Ld.Counsel for accused Mohd.Irshad
alongwith accused produced in J/C physically.

Sh.A.A.Khan, Ld.Counsel for accused Furkan alongwith
accused produced in J/C physically.

Sh.Vimal Tiwari, Ld.Counsel for accused Kuldeep
alongwith accused produced in J/C physically.

Sh.V.K.Singh and Sh.Manoj Chauhan, Ld.Counsels for
accused Deepak Yadav and Deepak Thakur alongwith
both the accused produced in J/C physically.

The arguments on charge have been heard in
detail.

Separately, the order on charge in the matter has
been passed. The charges have been explained to the
accused persons in vernacular in the presence of their
counsels. The accused persons have pleaded not guilty
and claimed trial.

The police has put up 5 accused persons for trial
in this case i.e. 3 Hindus and 2 Muslims. Now, a
peculiar situation has arisen that whether the trial can be
permitted to proceed with assortment of accused persons
from different religions purportedly acting under two
different conspiracies and unlawful assemblies. This is
definitely going to *interse* prejudice the defence of
accused persons from different religions.

Similar situation had arisen before a Gujarat
Court conducting the trial of Godhra Communal Riots.
The matter had been referred to Hon' ble Gujarat High
Court in a criminal reference titled as "*Additional*

Sessions Judge V State of Gujarat 2011 SCC online Guj 951 ” wherein the Hon’ ble High Court was pleased to authorize separation of trial of the accused persons from two different communities. Bearing in mind the aforesaid judicial precedent, this court also deems it appropriate to separate the trial of the accused persons so that their defence may not even likely to get prejudiced.

The DCP (Crime Branch) Dr.Joy N.Tirkey is hereby directed to furnish a complete set of chargesheet in physical form to the court within two weeks from today. Thereafter, the Ahlmad is directed to put up a separate Sessions Case number thereupon which may be SC no.3A/2021 in this very FIR and the existing chargesheet shall be treated as chargesheet for three accused persons namely, Kuldeep, Deepak Thakur and Deepak Yadav, whereas the other chargesheet shall be treated as chargesheet for accused persons Mohd.Furkan and Mohd.Irshad.

A copy of charge framed today be placed in other file.

A copy of this order as also order on charge be also placed in other file.

A copy of this order be sent to the DCP (Crime Branch) Dr.Joy N.Tirkey, Ld.Counsels for the accused persons and the Superintendent Jail concerned through electronic mode.

Now, re-notify the matter for PE on 26.11.2021. P.Ws Sabir, Sajid, Mohd.Anees, Sharif Ahmed, Asif and IO Inspector Manoj be summoned for the said date. The summons of the aforesaid witnesses be executed through DCP (Crime Branch) Dr.Joy N.Tirkey/ IO Inspector Manoj.

(VINOD YADAV)
ASJ-03(NE)/ KKD COURTS/DELHI