

SC no.70/21  
State Vs Tanvir Malik etc.  
FIR no.91/20  
PS Dayalpur

15.09.2021

Present: Sh.D.K.Bhatia, Ld.Special PP for the State alongwith SI  
Kuldeep Bhati, Sh.A.K.Singh ACP Sub Division  
Gokalpuri, Inspector Girish Jain-SHO, Dayalpur.

Sh.Salim Malik, Ld.Counsel for accused Tanvir Malik  
and Gulfam @ VIP alongwith both the accused persons  
on bail.

Accused Nazim and Kasim (on bail in this case) produced  
from J/C.

Sh.Z.Babbar Chauhan, Ld.Counsel for accused Shah  
Alam alongwith accused on bail.

Sh.Rizwan, Ld.Counsel for accused Tahir Hussain.  
Accused not produced from J/C.

The Ld.Special PP on instructions has placed on record an  
application seeking adjournment of 30 days' time to initiate arguments  
on charge on the ground that a supplementary chargesheet is proposed  
to be filed in the matter before the Ld.CMM. The Ld.Special PP was  
asked to open the arguments on the basis of material available in the  
chargesheet which was filed on 27.07.2020 but he has expressed his  
strong inability to start arguments and has persisted to seek an  
adjournment based upon this application.

The Ld.Defence Counsels in unison have opposed this  
application on the ground that three of the accused persons have been in  
J/C in this matter for the last 1 ½ years and the accused persons (at or

around the house of accused Tahir Hussain) involved in multiple cases of riots of this cluster of area have been suffering a great deed.

I have given thoughtful consideration to the application for adjournment filed on behalf of the State.

The supplementary chargesheet sought to be filed has so far not been filed. This in any case can not be a ground to seek adjournment because after the supplementary chargesheet comes to this court after committal, the prosecution can always seek amendment of charge.

At this stage, the Ld.Special PP has again been requested to initiate the arguments but he has on instructions reiterated his request for adjournment again.

The Ld.Defence Counsel Sh.Rizwan, Adv.for accused Tahir Hussain has initiated arguments in the matter at the request of the court.

The arguments on charge in part have been heard from 2.00 p.m. to 4.00 p.m. No time left.

Now, to come up for further arguments on 17.09.2021 at 2.30 p.m.

During the course of arguments, the Ld.Counsel for accused Tahir Hussain very vehemently argued that an FIR no.101/20 , PS Khajuri Khas was registered against his client at PS Khajuri Khas wherein the allegations against him were that from the top of his house, petrol bombs were being thrown at the houses belonging to the persons of other community, whereas the allegations in the instant case are also similar but this time the FIR has been registered at PS Dayalpur. ACP, Sub Division Gokalpuri and SHO, PS Dayalpur are present in court but they have not been able to give any satisfactory explanation for the

aforesaid.

In this view of the matter, DCP/NE is hereby directed to file a report in the matter clarifying as to how FIR in two separate Police Stations were registered when epicentre of the riots/place from where the petrol bombs were being thrown and firing was being done was the house of accused Tahir Hussain, on or before the next date of hearing.

(VINOD YADAV)  
ASJ-03(NE)/KKD Courts/Delhi