

13. CR CASE 1024/2020
State v. KOMAL MISHRA & ORS.
FIR NO. 85/2020
PS DAYAL PUR
DLNE02-001860-2020

VC hearing in the present case is conducted through CISCO Webex meetings app in terms of Order No.569/RG/DHC/2021 dated 19.08.2021 of Hon'ble High Court of Delhi.

25.09.2021.

Present: None for State.
IO ASI Vijay Kumar through V.C.
Accused Prashant and Gaurav in person with Counsel Sh. Ashok Kumar.
None for accused Komal Mishra despite repeated calls.

A perusal of record reveals that vide order dt. 12.04.21, IO was directed to supply copy of e-challan to the accused Komal Mishra, however, it is submitted by the IO that the copy of the e-challan has not yet been supplied to the accused as he was not aware of the aforesaid order. A request for adjournment is made by him to supply the copy of e-challan to the accused Komal Mishra.

It has been observed by this court that the Ld. SPPs and IOs do not appear in the cases on the dates fixed and when they appear after prodding of senior officers by the court the senior police officers, they appear in the court without inspection of the file and seeks adjournment in a very casual manner for compliance of the directions passed by the court on the dates on which

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they had not appeared. The aforesaid conduct of the police as well as Ld. SPPs has already been brought to the notice of senior police officers including SHOs, ACPs, DCP(NE) and Commissioner of Police, Delhi, however, they have failed to ensure that such incidents do not take place any more.

Under the aforesaid circumstances, request for adjournment for compliance of order dt. 12.04.21 is hereby allowed subject to cost of Rs. 5,000/- to be deposited by Delhi Police in the Prime Minister National Relief Fund. This court is not oblivious of the fact that burden of this cost shall fall on public exchequer and hence I deem it appropriate to direct Commissioner of Police Delhi to conduct an inquiry and to order deduction of aforesaid cost from the salary of responsible officer under intimation to this court within four weeks. IO is directed to supply copy of e-challan to accused Komal Mishra within 2 days from today against proper acknowledgement.

In the meantime, NBWs be issued against the accused Komal Mishra and notice to his surety U/s 446 Cr.P.C. to be executed through DCP (NE).

Put up for further proceedings on 21.10.2021.
Copy of this order be uploaded on the CIS Server.

Copy of this order be also sent to IO, SHO concerned, all ACPs (NE), DCP(NE), Joint Commissioner of Police (Eastern Range) and Commissioner of Police

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Delhi through email as well as through Naib Court ASI
Leelu Singh.

(ARUN KUMAR GARG)
Chief Metropolitan Magistrate
NE/KKD/DELHI/25.09.2021

At this stage, accused Komal Mishra has joined the VC hearing along with counsel Sh. Vikas Tripathi. Accordingly, NBWs against the accused and notice to his surety directed to be issued in the morning are hereby recalled.

Put up for further proceedings on date already fixed i.e. 21.10.21.

(ARUN KUMAR GARG)
Chief Metropolitan Magistrate
NE/KKD/DELHI/25.09.2021