

IN THE COURT OF SH. AMITABH RAWAT,  
ADDITIONAL SESSIONS JUDGE-03,  
SHAHDARA DISTRICT, KKD COURT, DELHI

**CNR No. DLSH01-002124-2021**

SC No. 97/2021

FIR No. 84/2020

PS- Jyoti Nagar

U/s. 147/148/149/427/436 IPC

**State Vs. Shahrukh @ Rinku & Ors.**

**12.10.2021**

Vide Office Order No. 8349-8372/Judl./SHD/2021, dated 01.10.2021 of the Ld. Principal District & Sessions Judge, Shahdara District, KKD Courts, Delhi hearing, all the matters are being conducted through physical hearing, as per roaster.

Present: Sh. Naresh Kumar Gaur, Ld. Proxy Counsel for Sh. Rajeev Krishan Sharma, Ld. Special Public Prosecutor for the State alongwith IO/ASI Satish and SHO PS-Jyoti Nagar

All accused are present except accused Ashwani @ Kale.

Sh. Gulzar Ali, Ld. Counsel for accused Zubair, Ashu and Khalid Ansari.

IO/ASI Satish Kumar alongwith SHO are present in court and have moved an application for transfer of this case to the court of Ld. MM. It is stated in the application that Section 436 IPC is not made out in the present matter and hence the present matter need to be transferred before the court of Ld. Magistrate, where they will file supplementary charge-sheet.

Heard. Perused.

It appears from the reading of the charge-sheet that apart from Section 436 IPC, all other sections as alleged areailable. And If Section 436 IPC is taken out, then what remain is offences which areailable and for which the accused should not have been sent to custody. The application is also regarding the transfer of the said case to Metropolitan Magistrate for which there is no provision in the Code of Criminal Procedure (Cr.P.C). It appears that police

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officials want discharge of the accused persons u/s. 436 IPC and thereafter committal of the case to the court of Ld. Magistrate.

At request of SHO, matter is passed over.

(Amitabh Rawat )  
Addl. Sessions Judge-03  
Shahdara District, KKD Courts,  
Dated :12.10.2021

After sometime, SHO concerned submits that he wants to withdraw the present application after having word with the Special Public Prosecutor for the State.

It appears that the concerned police official themselves are confused as they first moved an application stating that Section 436 IPC is not made out and asking for transfer of the case to concerned MM and thereafter after sometime after talking with Ld. Special Public Prosecutor want to withdraw their own application finding it meritless.

This is not a proper way of conducting the case. The present application for transfer of this case to the court of Ld. MM stands dismissed as withdrawn.

Let a copy of this order be sent to Special Commissioner of Police, Division-I (Law and Order) for ensuring better coordination between the police officials and prosecution and for effective prosecution of the riots cases.

Also, Issue NBW against the accused Ashwani @ Kale and his surety returnable for 29.10.2021.

(Amitabh Rawat )  
Addl. Sessions Judge-03  
Shahdara District, KKD Courts,  
Dated :12.10.2021