

SC no.103/21
State vs Azad Khan
FIR no.105/20
PS Khajuri Khas

10.11.2021

Present: Sh.R.C.S.Bhadoria, Ld.Special PP for the State
alongwith SI Rajeev.

Accused in person alongwith Ld.Counsel Sh.Arif
Liyaqat.

The application has been filed by the
Ld.Special PP seeking modification/ correction of
the order dt.30.09.2021.

It is submitted by the Ld.Special PP
Sh.Bhadoria that he had appeared before this court
on behalf of the State on 30.09.2021 but due to
inadvertence the presence of one Sh.Rajeev Krishan
Sharma, Ld.Special PP has been marked.

In view of the above submissions of the
Ld.Special PP, it is hereby directed that the
presence of Sh.R.C.S.Bhadoria on behalf of the
State shall be read in the order dt.30.09.2021.

The application stands disposed off.

An application has been filed on behalf of
accused Azad Khan seeking cancellation of NBWs
issued against him on the last date of hearing.

The NBWs have been returned by the IO
unexecuted for the reason that accused was not
found residing at the given address despite several

visits.

The Ld.Counsel for the applicant submits that the accused had met with an accident on 11.08.2021 and thereafter was suffering from fever and was not in a position to move around. He submits that on account of these circumstances, the applicant was unable to appear before this court on 21.09.2021.

It is noteworthy that the applicant had not informed his counsel about his injuries on 21.09.2021. Even no attempt has been made on behalf of the applicant during the period of 2 months for seeking cancellation of NBWs issued against him. As per the report of the IO, the applicant was not found residing at the given address despite several visits. Therefore, I do not find any ground for cancellation of NBWs.

The application is hereby dismissed.

The accused be taken into custody forthwith.

Report has been submitted by the IO in terms of the observations of my Ld.Predecessor contained in the order dt.21.09.2021. It is mentioned in the report that as per the legal opinion received in this regard, two more supplementary chargesheets would be filed for the incidents which had taken place on 24.02.2020 and 25.02.2020 respectively.

It is pertinent to note here that the incident involved in the present case has taken place on

24.02.2020. Therefore, it is not understandable as to how two supplementary chargesheets would be filed in this very case qua two separate incidents that had taken place on 24.02.2020 and 25.02.2020.

The Ld.Special PP also is of the opinion that instead of two supplementary chargesheets, two separate chargesheets need to be filed in this case.

The IO is hereby directed to make the position clear in this regard on or before the next date of hearing.

To come up for F.P. on 20.11.2021.

(VIRENDER BHAT)
ASJ-03(NE)/KKD Courts/Delhi