

11 CR Cases 1024/2020

CNR Number: DLNE02-001860-2020

STATE Vs. KOMAL MISHRA AND OTHERS

FIR NO. 85 /2020

PS Dayal Pur

VC hearing in the present case is conducted through CISCO Webex meetings app in terms of Order No.700/RG/DHC/2021 dated 30.09.2021 of Hon'ble High Court of Delhi and in terms of order of order no. 5873-5888/Judl./NE/JJD/DELHI dated 01.10.2021 of Ld. Principal District & Sessions Judge NE.

21.10.2021.

Present: None for State.

IO/ASI Vijayant Kumar along with SHO PS Dayalpur and ACP Gokalpuri.

Accused Komal Mishra along with counsel Shri Vikas Tripathi.

Accused Gaurav and Prashant along with counsel Shri Ashok Kumar.

No report in terms of previous order has been received from Commissioner of Police Delhi, although a request for extension of time for completion of enquiry as per directions of Commissioner of Police has been received from DCP NE. Let an explanation be called from Commissioner of Police Delhi under his signatures through Secretary(Home) Union of India as to why appropriate action as per law be not taken against him for non submission of the report in terms of previous order.

An application for waiver of cost imposed upon Delhi Police in terms of previous order has been filed by the IO.

Although, no plausible explanation has been furnished by the IO for non compliance of directions of this court regarding supply of copy of e challan to accused Komal Mishra in view of observations made by this court in the order passed on the last date, in as much as IO had failed to appear on the dates when the matter was listed for scrutiny of documents, without any explanation, however, in the interest of justice, considering the fact that copy of e challan has already been supplied to accused Komal Mishra against proper acknowledgement after the last date and the main case is already pending before Ld. Sessions Court, the

cost imposed on Delhi police on the last date is hereby waived. However, it is made clear to DCP NE as well as to the Commissioner of Police, Delhi that in case in future the IOs seek adjournment for compliance of the orders on the ground that they were not aware of the directions, DCP NE as well as Commissioner of Police, Delhi shall be held personally responsible for imposition of cost if any. Since they have been repeatedly directed to ensure that the files are inspected by the IOs in advance of the next date of hearing, so as to ensure compliance of directions if any in the previous order particularly if they were not present on any specific date due to any reason whatsoever.

It is submitted by counsel for all the three accused that copy of supplementary chargesheet supplied to all the accused are complete in all respects.

Perusal of the record shows that vide order dated 23.12.2020, cognizance of the offence u/s 147/148/149/435/436 IPC/120B and Section 3 and 4 of DPDP Act was taken by Ld. Predecessor of this Court, out of which the offence u/s 436 IPC is exclusively triable by Ld. Sessions Court. Accordingly the present case is hereby committed to Ld. Sessions Court. Ld. SPP be notified accordingly. Ahlmad is directed to send the file complete in all respects to the Court of Ld. Principal District & Sessions Judge, NE forthwith. All the parties are directed to appear before Ld. Principal District & Sessions Judge, NE on 27.10.2021. Copy of the order be sent to DCP NE, Commissioner of Police Delhi and Secretary (Home) Union of India through all modes.

Copy of the order be uploaded on the CIS Server.

(ARUN KUMAR GARG)
Chief Metropolitan Magistrate
NE/KKD/DELHI/21.10.2021