

16 CR CAES 2197/2021
CNR Number: DLNE02-003257-2021
STATE VS. MOOL CHAND
FIR NO. 51/2021
CRIME BRANCH N.EDELHI

Physical hearing is conducted 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.
16.10.2021

Present: Shri Narender Kumar Gupta Ld. Subs. APP for the State.
ASI Veerpal on behalf of IO.
Accused Mool Chand produced from J/C.
Shri Shamshul-Haque counsel for accused.
None for complainants/victims despite repeated calls.
IO/Inspector Satyaparkash is absent.

An endorsement has been made by Ahlmad on order dated 30.09.2021, as explanation in terms of previous order. As per the said endorsement, the process in terms of order dated 17.09.2021 could not be issued due to shortage of staff. The aforesaid explanation is unacceptable considering the fact that there are two Asstt. Ahlmads along with one Ahlmad appointed in this Court against the pendency of approximately 540 cases and hence, the non compliance of the previous order can only be attributed to the gross negligence of the Ahlmad and the Asstt. Ahlmads and their scant regard towards the directions of this Court. Thus, finding the explanation on the part of the Ahlmad as

non satisfactory, I deem it appropriate to report the matter to Ld. Principal District & Sessions Judge, NE with a request to initiate appropriate departmental action against the Ahlmad/Asstt. Ahlmads for dereliction of duties on their part and for gross insubordination.

IO has reportedly been transferred as SHO PS Lajpat Nagar and no substitute IO has been deputed by the DCP EOW till date. Let an explanation in this regard be called from DCP EOW. In the meantime, arguments on bail applicaton of accused heard in as much as reply to the bail application has already been filed by the IO.

It is submitted by Ld. counsel for the applicant/accused that the accused has been apprehended by the IO when he had visited PS EOW to enquire about the status of his case and was produced before Ld. Duty MM on 17.06.2021 whereafter two days PC remand of the accused was taken, however, no incriminating evidence has been recovered from his possession or at his instance. It is further submitted by him that the investigation in the present case is already complete and chargesheet has already been filed and hence, no purpose would be served by keeping the accused behind bars.

Besides, according to him, accused was running a committee of 20 members for a period of 20 months and he has paid almost the entire amount to the members and the IO has

failed to investigate about the source of money of the complainants/alleged victims. He submits that accused is the sole bread earner of his family and is not a previous convict. According to him, the accused shall abide by all the terms and conditions which may be imposed by the Court at the time of grant of bail and shall furnish a sound surety to the satisfaction of this Court.

On the other hand, bail application of the accused has been opposed by Ld. APP for the State on the ground that present case is a multi victim case and the accused has cheated as many as 33 persons to the extent of aggregate amount of more than Rs. 1 Crore. It is further submitted by him that accused had absconded after selling his house and hence, if granted bail, there is every likelihood that he may not appear before the court to face trial. He has thus prayed for dismissal of the bail application of the accused.

I have heard the submissions made on behalf of the parties and have carefully perused the material available on record.

Considering the nature of the offence, the extent of cheated amount as well as number of victims coupled with the fact that as per the IO, accused had been absconding and hiding himself while he was arrested on 16.06.2021, in my considered

opinion, it is not a fit case to grant bail to the accused at this stage. The bail application of the accused is thus dismissed.

No protest petition till date has been filed on behalf of the complainants/victims despite opportunity in terms of order dated 30.09.2021. Thus, the submissions on cognizance heard on behalf of the State. On the basis of material available on record, I hereby take cognizance of the offence u/s 406/420 IPC and Section 3 and 4 of Prize Chits and Money Circulation Scheme(Banning) Act against the accused. Let copy of chargesheet be supplied to the accused against proper acknowledgement today itself.

Put up for scrutiny of documents and arguments on charge on 17.11.2021(Rehnumai of accused Moolchand through V/C before Ld. duty MM on 30.10.2021 and 12.11.2021).

Copy of this order be given dasti to the counsel for the applicant/accused. Another copy be sent to Supdtt. jail concerned for his information and record. Copy of this order be also sent to Ld. Principal District & Sessions Judge, NE and to DCP EOW forthwith.

Copy of the order be also uploaded on the CIS Server.

(ARUN KUMAR GARG)
Chief Metropolitan Magistrate
NE/KKD/DELHI/16.10.2021