

**IN THE COURT OF SH. AMITABH RAWAT,
ADDITIONAL SESSIONS JUDGE-03
(SHAHDARA), KARKARDOOMA COURT, DELHI**

CNR No. DLSH01-002176-2021

SC No. 103-2021

FIR No. 51/2020

P.S. Jafrabad

U/S. 147/148/149/188/307/332/353/216/34 IPC & 25/27 Arms Act

State Vs. Shahrukh Pathan & Ors.

04.12.2021

Present : Sh. Anju Handa, Ld. Special Public Prosecutor for the State.

Accused Shahrukh Pathan has not been produced from JC.

Sh. Khalid Akhtar and Md. Shadan, Ld. Counsels for accused
Shahrukh Pathan.

Accused Ishtiyak Malik @ Guddu on bail with Ld. Counsel Sh. Irfan
Khan.

Accused Kaleem Ahmed on bail with Ld. Counsel Sh. Bilal Khan.

Accused Shamim is present on bail.

Accused Abdul Sehjad is absent despite calls.

Issue notice to the concerned Jail Superintendent to explain as to
why accused Shahrukh Pathan has not been produced from JC today for next date.
In the meantime, issue production warrants against the accused Shahrukh Pathan
for next date of hearing.

Issue NBWs against the accused Abdul Shehzad with notice to his
surety through I.O./SHO concerned for next date.

Put up for orders on the point of charge on 07.12.2021.

(Amitabh Rawat)
Addl. Sessions Judge-03
Shahdara District, Karkardooma Courts,
Dated: 04.12.2021

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04.12.2021 (At about 12.05 PM)

File taken up again as accused Abdul Sehjad has appeared before the Court with Ld. Counsel.

Present : Accused Abdul Sehjad in person with Ld. Counsel Sh. Bilal Khan.

Sh. Khalid Akhtar, Ld. Counsel for accused Shahrukh Pathan.

ACP Madhukar Rakesh and Inspector Dharampal, Incharge, Lock-Up, Karkardooma Courts, Delhi are also present.

It is submitted by Ld. Counsel for accused Abdul Sehjad that accused had stuck in the traffic jam and that is why he could appear in the morning. It is prayed that NBWs may be canceled against him.

Heard. Request is allowed. NBWs against the accused are recalled hereby. He is warned to be careful in future.

One application has been moved by the Incharge, Lock-Up, Karkardooma Courts, Delhi stating that accused Shahrukh Pathan was to be produced today but he has refused to board in jail van saying that he will go in the Court in a separate van only. He has been earlier brought in separate Kharja Cell of the jail van. It is submitted that considering the resources if every accused start making such submissions for himself or herself, it will not be possible. There is also a prayer for bringing the said accused in handcuffs. They have also filed one

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hand written statement of accused Shahrukh Pathan stating that he does not want to go in a van with separate Kharja but a separate van should be sent for him. Lock-up Incharge further submits that if required that they can sent a separate van to bring the accused urgently.

The case has already been adjourned for 07.12.2021 and the other accused persons have also left. It appears that in the absence of any specific threat from an individual, accused Shahrukh Pathan cannot ask for a separate van for himself. Since he has been brought in a van with separate enclosure/kharja where other under-trials in the same van cannot access the accused physically, this should suffice the purpose. In any case, when the accused Shahrukh Pathan is being produced regularly in the Court, he cannot dictate anyone how he should be brought in the Court. There is no application from the counsel for accused so far requesting any such separate van for accused citing any specific reason.

In any case, matter is now adjourned for 07.12.2021.

Let accused be brought in a jail van with separate enclosure/kharja on the said date. The present application is being kept pending till next date.

Copy of this order be sent to the concerned Jail Superintendent for information and compliance.

Copy of this order be given dasti.

(Amitabh Rawat)
Addl. Sessions Judge-03
Shahdara District, Karkardooma Courts,
Dated: 04.12.2021