

12 CR Cases 928/2020
STATE Vs. MOHD SALEEM KHAN AND OTHERS
FIR No.60 /2020
PS Dayal Pur

20.12.2021

Present: None for State.
IO is absent despite repeated calls.
Accused Sadiq @ Sahil, Athar Khan, Saleem s/o Bunde Khan, Irshad, Yunus, Imran Ansari, Saleem Malik, Shadab Ahmad produced from JC.
Accused Adil, Sameer @ Sahil, Furkan, Nasir, Suvaleen, Shahnawaj, Arif, Mansoor Khan, Mohd Ayub, Danish, Tabusum, Badrul Hassan
Accused Ibrahim, Jalaludin has not been produced from J.C.
Sh. Junaid proxy counsel for Sh. Nasir Ali counsel for accused Irshad Ali.
Sh. S.Wazid ali proxy counsel for Sh. Z. Babar Chauhan, counsel for accused Suvaleen, Furkan, Shahnawaz, Nasir, Sadiq @ Sahil and Jalaludeen.
Ms. Ruchi proxy counsel for Sh. Arjun Dewan counsel for accused Athar Khan.
Mr. Kartik Murrkutla counsel for accused Shahdab Alam.
Mr. Saleem Malik counsel for accused Imran Ansari, Ibrahim, Saleem Malik @ Munna, Yunus & Sameer @ Sahil.
Mr. Varun Bhatti, counsel for accused Ayub and Danish.

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Mr. Mohd Imran Khan counsel for accused
Badrul Hassan.

Mr. Mujeebur Rehman, counsel for accused
Mohd. Saleem Khan s/o Bunde.

An application for supply of deficient copies has been moved on behalf of accused Shadab Khan. An extra copy of application for IO as well as Ld.SPP placed on record. It is submitted by counsel for accused that although the IO has seized a number of documents/exhibits and the FSL result in respect of the same has already been received by him, however, the same have not been annexed by him with any of the charge sheets. He submits that the IO may be directed to supply the exhibits referred to in his reply furnished on the last date at serial no. 1, 3, 5, 8, 18, 21, 35, 45 & 46. A perusal of the file shows that the aforesaid reply was filed by the IO on the last date i.e. on 01.11.2021, however, the application is being moved on behalf of accused Shadab only today. The application is thus allowed subject to cost of Rs. 3,000/- to be deposited by the accused in the court on the next date. IO is directed to supply the copies as mentioned in para no. 6 of the application of accused Shadab within a week from today against proper acknowledgment. Copy of this application alongwith copy of order be sent to DCP (Crime Branch) directing him to ensure compliance of the aforesaid direction by the IO within the aforesaid time period.

Counsel for accused Athar Khan seeks time to

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deposit the cost in terms of previous order on the ground that she was not aware of the aforesaid direction as the order dt. 01.11.2021 was not uploaded on the CIS server. Both the Stenos are thus directed to submit an explanation as to why the aforesaid order has not been uploaded by them on the CIS server.

It is further submitted by counsel for accused Athar Khan that the deficient copies in terms of order dt. 01.11.2021 have not yet been supplied to him by the IO. No acknowledgment regarding supply of copies in terms of order dt. 01.11.2021 has been placed on record by the IO, nor the IO as well as the Ld. SPP for State have appeared today in court.

A perusal of file shows that the present matter pending before this court since 22.06.2020 and the court is not able to commit the same to Ld. Sessions Court due to lackadaisical attitude of the police officials of PS Crime Branch and due to non appearance of Ld SPP for State.

In the interest of justice, no adverse orders are being passed for today against the State, however, an explanation be called from the IO as well as DCP (Crime Branch) under the signatures of Special Commissioner of Police (Crime Branch) as to why appropriate action as per law be not taken against them for non compliance of directions of this court. In the meantime, Special Commissioner of Police (Crime Branch) is directed to ensure supply of all the deficient copies to accused Shadab Ahmad and Athar Khan against proper acknowledgment in terms of prayers made in their respective applications U/s

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207 Cr.P.C. positively within a period of seven days and to furnish a compliance report under his signatures.

An application has been moved on behalf of accused Sadiq @ Sahil to permit him to receive a pair of shoes from his family members in the jail. Let a copy of the aforesaid application be sent to Superintendent Jail concerned with a direction to permit the accused to receive the shoes from his family as per rules.

Explanations be called from Superintendents Jails concerned for non production of accused Ibrahim and Jalaludin before the court.

Put up for further proceedings on 17.01.2022. (Rehnumai of all the accused who are in JC through VC before Ld. Duty MM (NE) on 03.01.2022).

Copy of this order be sent to IO, DCP (Crime Branch), Additional Commissioner of Police(Crime Branch) Special Commissioner of Police(Crime Branch), Commissioner of Police Delhi and Superintendents, Jails Concerned for their information and compliance today itself through all modes.

Copy of this order be uploaded on the CIS server.

(ARUN KUMAR GARG)
Chief Metropolitan Magistrate
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At this stage, Sh. N.K.Gaur, proxy for Sh. D.K.Bhatia, Ld. SPP for State has appeared and he has been apprised of the order passed and the next date of hearing.

(ARUN KUMAR GARG)

Chief Metropolitan Magistrate

NE/KKD/DELHI/20.12.2021