

SC 429/2021
STATE Vs. IQBAL AND OTHERS
FIR No. 103 /2020
PS Khajuri Khas

04.01.2023 (At 11:30 am)

Present: Sh. Sanjeev Sahay, Ld. Special PP for state.
IO/SI Naveen Kumar
Accused Iqbal S/o Mohd. Waseem, Taiyab S/o Rahees,
Israr S/o Usman, Rizwan S/o Imran, Adil S/o Mohd.
Aslam, Shamim @ Lala S/o Naim Khan, Maruf S/o
Kallu, Juber S/o Shahid, Farman S/o Mohd. Fareed,
Shahbuddin S/o Mohd. Anwar, Ashok S/o Firey Singh,
Bharat Bhushan @ Lucky S/o Kamal Kant, Abdul
Wahab S/o Abdul Gani, Faeem S/o Adul Jaleel, Shehjad
S/o Mohd. Shamsheer, Mohd. Asif S/o Babu, Parvez
Ahmed @ Shannu S/o Sareef Ahmed and Jarif Ahmed
in person.
Accused Mohd. Irfan@Imran S/o Usman not present.
Mohd. Nazim, Ld. Counsel for accused Iqbal, Maroof,
Abdul Wahab, Shahbuddin, Imran (JC), Farman (JC),
Ashok and surety Shabila for accused Imran (JC).
Mohd. Dilshad, ld. counsel for Jubair and Samim
(lala).
Ms. Manjula Sharma, ld. Counsel for accused Parvez
Ahmed and Jarif Ahmed.

1. NBW issued against accused Imran received back unexecuted with the report that he is in custody in FIR No. 714/22, PS Khajuri Khas. Shabila surety for this accused is present and informs that he was arrested in this FIR on 14-15.12.2022. However, no such information was given to this Court about accused Imran being in custody, on the last date of hearing.

2. Ideally such information should have been furnished in the form of application to this Court even prior to 23.12.2022. Even counsel for Mohd. Irfan did not bother to appear on the last date of hearing and in these circumstances the Court cannot be dependent on sweet will of surety as well as of ld. counsel of such accused persons to ensure appearance of the accused. In these circumstances, bail of accused Imran is canceled, Production warrant be issued against the accused as per particulars mentioned above.
3. Accused Faeem has appeared today and he only informed that he was late while coming to the Court on last date of hearing. However ld. counsel for this accused did not bother to inform this Court about any such incident nor any application was moved on the last date after producing the accused before this Court if he actually came to the court. Coming to the Court at belated time cannot be sufficient performance of duty for any accused even otherwise and in these circumstances bail of accused Faeem is also canceled and he is taken into custody.
4. Mohd. Irfan S/o Usman is absent since morning despite giving several calls. Issue NPWs against this accused, with notice u/s 446 Cr.P.C. to his surety.

5. Mohd. Dilshad had filed two separate vakaltnamas for accused Samim and Juber.
6. IO has filed one status report and he said that he shall be filing supplementary charge-sheet against the two accused persons in the present case. He has also reported that complaints as taken back on the last date of hearing, have been attached in the FIR No. 128/20 and one complaint of Shehraj Alam is yet to be investigated because IO is still in doldrum as to in which particular FIR of this complaint is to be investigated.
7. This is very unfortunate scenario that even after almost 3 years of alleged incident, the investigating agency is yet to start formal investigation into such complaint. I need not inform that the same investigation agency has registered a number of FIR on the basis of different complaints and I am unable to comprehend any reason for the same agency to register fresh FIR if IO is unable to find any other FIR related to incident of same place, date and time. Matter is hence referred to Id. DCP, N/E to take immediate steps to ensure that all the complaint received in respect of any incident arising out of riot in the year 2020, be investigated at the earliest possible time and the investigation is concluded at the earliest possible time. It is reminded that it is duty of the investigating agency to investigate into any such complaint and take them to a legitimate end. Copy of order be sent to Id. DCP for

necessary action and for compliance report on next date of hearing.

8. IO must take steps to file supplementary charge-sheet within two days because arguments on charge can only heard after receiving all the reports of investigation. (As per noting of Ahlmed, he did not send court notice to Jail-Superintendent as per last order. Same be issued today itself).

Put up for compliance report on **01.02.2023**.

(PULASTYA PRAMACHALA)
ASJ-03(NE)/KKD Courts/Delhi
04.01.2023