

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

State Vs. Umar Khalid & Ors
FIR No. 59/2020
PS- Crime Branch (Investigated by Special Cell)

19.09.2020

At 02.30 pm

In view of the office order no. 4078-4097/Judl./SHD/2020 dated 29.08.2020 of the Ld. District & Session Judge, Shahdara District, Karkardooma Courts, Delhi issued in the wake of Corona Virus (Covid-19) pandemic, the present application has been put up before the undersigned and heard through video conferencing using CISCO WebEx app.

Present:- Sh. Amit Prasad, Ld. Special PP for the State alongwith IO.
Sh. Trideep Pais, Ld. Counsel for the accused.

Arguments heard on the application for seeking permission for the applicant/ accused Umar Khalid to meet his family during police custody.

Put up for orders during the course of the day.



(AMITABH RAWAT)
Addl. Sessions Judge-03
Shahdara District, Karkardooma Courts,
Dated: 19.09.2020

At 04.30 pm

Vide this order, I shall dispose off the application moved on behalf of the accused.

It is stated by the Counsel for the accused that vide order dated 14.09.2020, accused Umar Khalid was remanded to PC for 10 days and he has to be produced before this Court on 24.09.2020. This court had conferred meeting for a period

of half an hour daily to the Counsel for the accused during the police custody remand of accused. It is stated that verbal assurance was given at the time of remand by the police to the counsel that his family would be allowed to meet during the police remand, however they are not being permitted. It is further stated that since the PC remand is extraordinarily long and thus accused should not be deprived of meeting with his family or friends. It is prayed that the applicant be permitted to meet his family on at least two days for a period of 30 minutes each day.

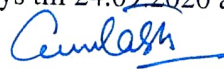
IO had filed his reply stating that as per the directions of the court the accused has been allowed to meet his counsel everyday and these directions of the Court has been complied with. It is submitted that accused during his police remand is being confronted with huge data on a regular basis and he is not co-operating. It is stated that he is also being thoroughly interrogated on a daily basis regarding his involvement in the conspiracy of riots. It is submitted that the meeting of his family members may influence the interrogation and could be a hindrance. It is submitted that present application may not be allowed as the accused is already meeting with his Counsel and if accused has to convey any message to his family members, he can convey that through his Counsel.

Ld. Prosecutor has submitted that there is no provision in Cr.PC for allowing the family of the accused to meet with the accused during his custody remand and meeting with the Counsel has already been allowed by the Court. He has referred to one Judgment Nandini Satpathy vs P.L.Dani & Ors (1978) 2SCC 424. He has also submitted that meeting is permissible in JC only as per Jail rules.

Ld. Counsel for the accused had argued that the period for meeting with his family may be interchanged partially with his meeting time. It is further submitted that there is no provision barring the accused to meet with his family. He has also referred to one judgment of Santosh and stated that non-co-operation in investigation is not a ground for denial of the prayer of meeting, as prayer for.

I have perused the application, reply and heard the arguments.


In the present case, the application for police custody of accused Umar Khalid was allowed by this Court on 14.09.2020 for 10 days till 24.09.2020 after hearing



the arguments and in the presence of the counsel for the accused. The Counsel for the accused had made specific request for allowing the meeting time of accused with the Counsel during police custody remand and the same was allowed for every day for 30 minutes during the entire PC remand. Ld. Counsel for the accused is meeting the accused every day during the remand in terms of the order dated 14.09.2020. There was also an apprehension of safety raised by the Ld. Counsel for the accused and thus a specific direction was also given to the concerned DCP to ensure the safety of the accused. The police custody remand of accused is going to get over as he will be produced on 24.09.2020.

In the totality of facts and circumstance of the case, I see no merit in the application, and accordingly, the application is dismissed.

Reader of the Court is directed to mail the copy of this order to ld. Counsel for the applicant/ accused, Ld. Prosecutor and IO.


(AMITABH RAWAT)
Addl. Sessions Judge-03
Shahdara District, Karkardooma Courts,
Dated: 19.09.2020