

CNR No. DLNE01-001822-2021

SC No. 242/21

State v. Noor Mohammad etc.

FIR No. 221/20

PS Khajuri Khas

14.11.2022 (At 11:28 AM)

Present: Ms. Simran Chawla, Adv. appearing for Sh. R.C.S. Bhadoria along with IO/SI Sandeep.  
Accused Noor Mohammad and Nabi Mohammad, in person on bail.  
**Sh. Akhtar Shamim**, ld. counsel for accused Noor Mohammad.

PW Sh. Manoj Kumar is present for his examination. However, ld. defence counsel has pointed out that there is no mention of complaint of this complainant in the charges framed in this case. He further pointed out that several complaints were clubbed with this case, but charges were framed only in respect of two complaints made by Sh. Dalip and Sh. Shiv Kumar Raghav.

I have perused the record and simultaneously it was so perused by IO and representative of ld. Special PP. It has been conceded that charges were not framed in respect of complaint made by witness present today or even by the witness, who has been summoned for tomorrow. It has been also pointed out that in the charges, wrong date of incident has been mentioned.

In view of the fact that charges do not mention the incident related to witness present today or the witness summoned for tomorrow, there is no purpose to examine them. Hence, Sh. Manoj Kumar is discharged unexamined.

Despite repeated directions given, in the past in a number of cases, for the prosecution to go through the record and to check, if everything is well with the record, such pain was not

taken in this case, either by ld. Prosecutor or by the IO. One more last opportunity has been sought by the IO as well as representative of ld. Prosecutor. After this incident, no more such mishappenings shall be taken leniently by this court and this would be the last warning for the prosecution to wake up. At the cost of repetition of previous directions, it is again reminded that before obtaining summons for any witness, a duty has been cast upon the IO and the ld. Prosecutor to ensure relevance of such witness in the case and apparently it was not so done. Therefore, they must take care in future.

For the aforesaid reason, date of tomorrow i.e. 15.11.2022 is also cancelled. Now to come up on date already fixed i.e. 29.11.2022, and before that date the prosecution shall must take all requisite steps.

**(PULASTYA PRAMACHALA)**  
ASJ-03(NE)/KKD Courts/Delhi  
14.11.2022