

CNR No. DLNE01-004081-2021

SC No. 429/21

State v. Iqbal etc.

FIR No. 103/20

PS Khajuri Khas

12.07.2023 (At 12:15 PM)

Present: Sh. Nitin Rai Sharma, ld. Special PP for State along with IO/SI Naveen Kumar.

Accused Imran (s/o. Islamuddin) has been produced from J/C.

Accused Iqbal, Taiyab, Israr, Rizwan, Maruf, Juber, Shahabuddin, Bharat Bhushan @ Lucky, Abdul Wahab, Shehjad, Mohd. Asif (s/o. Sh. Babu), Parvez Ahmed, Jarif Ahmed, Aman @ Surya, Faeem, Shamim @ Lala and Shahrukh, in person on bail.

Accused Mohd. Irfan @ Imran (s/o. Usman), Ashok, Farman, and Adil, absent.

Mohd. Dilshad, ld. counsel for Shamim @ Lala and Juber.

Sh. Abdul Gaffar, ld. counsel for Abdul Wahab, Maroof, Sabuddin, Iqbal, Imran (s/o. Islamuddin) and Ashok.

Sh. Vipin Bansal, ld. LAC for accused Farman.

An application for exemption from personal appearance on behalf of accused Ashok, has been filed by Sh. Abdul Gaffar under his signature. Since presence of accused is not that much required today, hence, application is allowed with a warning for future that if there is no case of exigency, then such exemption must be obtained in advance and prior to next date of hearing.

Accused Farman was released on personal bond.
Issue NBW.

Issue NBW against accused Adil with notice u/s. 446 Cr.P.C. to his surety to produce him on next date.

Mr. Abdul Gaffar has handed over file of accused Farman to Mr. Vipin Bansal, ld. LAC.

In this case, process u/s. 82 Cr.P.C. was issued against accused Mohd. Irfan @ Imran (s/o. Usman). However, till date the report of announcement of this proclamation as well as affixation/pasting of the same has not been placed on the record. IO/SI Naveen Kumar had filed a report regarding publication of this process in newspaper.

Since 06.04.2023, this court had been seeking the formal report of announcement/affixation/pasting of this process u/s. 82 Cr.P.C. and IO is being given direction to find out the same and place the same on the record. After 06.04.2023 such direction was repeated on 15.04.2023. Thereafter on 18.05.2023, because of non compliance of such direction, IO was freshly given such direction to ensure that such report was placed on the record by that evening.

Unfortunately, that report has not been placed on the record even till date. On the grounds of his transfer from the PS to 1st Battalion, IO takes excuses for not finding and placing that report on the record. He has filed his status report mentioning that HC Sandeep was marked this process and he visited the address of accused on 04.04.2023. But he did not bother to find out this process, to place the same on the record of this case as directed on 18.05.2023 lastly.

In these circumstances, matter is now referred to Id. Commissioner of Police to take sufficient steps to sensitize and make the IO understand, to take any direction of the court in right spirit of letter and with serious intention to comply the same, rather than be-fooling the court with same plea and wasting the time for months.

At the same time, I have no other option, but to seek help of Id. DCP (N/E) to find out this process, if so executed by way of announcement and pasting at the given address of the accused, and the formal report on the same by concerned process server.

Needless to say that the role played by concerned V-B In-charge and the concerned process server also requires to be looked into for aforesaid default till date. Copy of order be sent to Id. Commissioner of Police and Id. DCP (N/E) for necessary action.

Put up on 29.08.2023.

(PULASTYA PRAMACHALA)
ASJ-03(NE)/KKD Courts/Delhi
12.07.2023