

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

FIR No. 59/2020

PS : Crime Branch (being investigated by Special Cell)

U/S. 13/16/17/18 UA(P)Act, 120B read with Section 109/114/124A/  
147/148/149/153A/186/201/212/295/302/307/341/353/395/419/420/427/435  
/436/452/454/468/471/34 IPC & Section 3 & 4 Prevention of Damage to  
Public Property Act, 1984 and Section 25/27 Arms Act

**State vs. Tahir Hussain & Ors.**

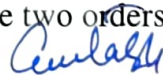
17.02.2022 (Proceedings conducted through physical hearing in the Court).

**(At 4.00 PM)**

File taken up on mentioning and moving of an application on behalf of accused Umar Khalid placing on record facts and seeking departmental enquiry into the arbitrary and illegal production of the applicant in handcuffs/fetters on 17.02.2022.

Present : Sh. Trideep Pais, Ld Senior Advocate with Ms. Sanya Kumar and Ms. Rakshanda Deka, Ld. Counsels for accused Umar Khalid.

1. It is submitted by Sh. Trideep Pais, Ld. Senior Advocate that accused Umar Khalid was produced today in the court by police officials of Lock-Up, Karkardooma Courts, Delhi in handcuffs despite there being no order from this Court and in fact, there are two contrary orders passed by two different courts. He also took the court to those two orders passed by



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Sh. Vinod Yadav, Ld. ASJ-03 (NE), KKD Courts, Delhi on 22.04.2021 and Dr. Pankaj Sharma, Ld. CMM (ND), Patiala House Courts, New Delhi on 07.04.2021 & 17.01.2022.

2. It was vehemently submitted that this is a violation of the rights of the accused and inquiry must be conducted to find fault with the delinquent police officials.

3. Heard. Perused.

4. As per record, the regular case was fixed for today at 11.00 AM. The undersigned was on leave in the first half. As per the order-sheet, the case was taken in the morning and date of 07.03.2022 was given by the Reader of the Court.

5. The application moved on behalf of accused Umar Khalid states that he was produced in fetters/handcuff. Ld. Senior Advocate has fairly pointed out that there is no such orders from this Court for producing accused Umar Khalid in handcuff/fetters. He further submitted that when he asked the two officials, who produced the accused, why accused Umar Khalid is in fetters, then they removed the fetters.

6. It needs no reiteration that an under-trial remains in the custody of the court throughout the proceedings and any step of fetters/handcuff,



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which are extreme steps, can only be taken after a Court allows the same on a request or an application containing reasons. This court has passed no such orders for this accused or, for that matter, any accused in this case. A look at the order dated 06.05.2021 passed by Sh. Vinod Yadav, Ld. ASJ-03 (NE), KKD Courts, Delhi in case FIR No. 101/2020, P.S Khajuri Khas also shows that one application on behalf of Incharge, Lock-Up was moved thereby seeking to produce accused in “handcuffs in both hands from back side” as they are high-risk prisoners and the same was dismissed. There is also an order dated 07.04.2021 & 17.01.2022 passed by Dr. Pankaj Sharma, Ld. CMM (ND), Patiala House Courts, New Delhi whereby it was stated that no such order exists for producing accused Umar Khalid in fetters.

7. Ld. Senior Advocate submits that there is also a video circulating showing accused Umar Khalid in handcuffs, which shall be filed by tomorrow.

8. In this case, even the investigating agency i.e. Special Cell has never asked for such a prayer in this case. Previously also, a similar issue arose in another case and the application for producing accused in handcuffs was dismissed and yet again, today, as per Ld. Senior Advocate, he was produced in handcuffs.

9. In view of the above stated circumstances and the seriousness of the issue, this Court deems it fit to bring the said lapses, if any, to the

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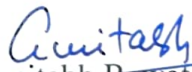
notice of the worthy Commissioner of Police, Delhi who may file a report after inquiry through any responsible senior officer whether the accused Umar Khalid was brought in the handcuff today and, if so, on what grounds/orders.

10. Let notice be also issued to DG(Prisons) to apprise this court whether any such orders have been passed from their end.

11. Let a report be also filed by the Reader and PA of this Court in this regard.

12. While perusing today's order-sheet, it is seen that that four accused persons namely Sharjeel Imam, Shifa-ur-Rehman, Tasleem Ahmed and Meeran Haider were not produced from the judicial custody today but the production warrants have not been issued for them. Let production warrants be issued for next date. Reader to also explain the said lapse.

13. Let copy of this order be sent to worthy Commissioner of Police, Delhi for information and compliance. Let the same be also emailed to the Ld. Counsel for applicant/accused, Ld. Special Public Prosecutor for the State, worthy DG (Prisons) and worthy Special Commissioner of Police, Delhi ( Special Cell) for information and compliance.

  
(Amitabh Rawat)

17/2/22  
Addl. Sessions Judge-03

Shahdara District, Karkardooma Courts,

Dated: 17.02.2022