

4 CR CASES 939/2020

CNR Number: DLNE02-001693-2020

STATE VS. RAJ KUMAR @ GULLU AND ORS.

FIR NO. 117/2020

PS KARAWAL NAGAR

Physical hearing is conducted in terms of Order No.700/RG/DHC/2021 dated 30.09.2021 of Hon'ble High Court of Delhi and in terms of order of order no. 5873-5888/Judl./NE/JJD/DELHI dated 01.10.2021 of Ld. Principal District & Sessions Judge NE.

23.10.2021

Present: Shri R.C.S. Bhadoria Id. SPP for the State.
IO/SI Ravi Kumar along with Inspector Upender Solanki SHO PS Karawal Nagar.
Shri Amit Singh Id. counsel for accused Raj Kumar and Rohit.
Accused Sonu @ Ashwani alongwith counsel Shri Mayank Yadav.
Accused Virender in person.
Shri Ram Kumar Id. counsel for accused Vinod.

It is submitted by accused/counsels for all the accused except accused Vinod that they have already received the complete copy of chargesheet along with the coloured photographs in terms of previous order. However, it is submitted by counsel for accused Vinod that although he has received the complete copy of the chargesheet, however the coloured copy of all the photographs filed by the State along with chargesheet have not yet been supplied to him. He submits that coloured

copy of only 4 photographs have been supplied to accused Vinod. IO has failed to place on record the acknowledgement regarding supply of copy of all the coloured photographs to the accused Vinod.

It is significant to note in this regard that after the order dated 22.09.2021 in the present case, in another case even the DCP NE had been directed to ensure supply of copy of coloured photographs and CCTV footage in all riots cases pending before this court to all the accused against proper acknowledgement in a time bound manner and at least in advance of the NDOH. However, not only the IO but the DCP NE, has also failed to ensure the compliance of aforesaid direction.

A show cause notice be accordingly issued to the IO as well as DCP NE as to why appropriate action as per law including under Section 60 r/w section 122 of Delhi Police Act be not taken against them for non compliance of directions of this Court. The aforesaid explanation be furnished by the IO as well as DCP NE through Joint Commissioner of Police Eastern Range. Moreover, it is made clear to IO as well as DCP NE that in case they wish to avail the opportunity of personal hearing on the said show cause notice, they should remain present on the next date of hearing failing which, appropriate order as per law

shall be passed in the matter without giving any further opportunity of oral hearing to either of them. In the meantime, IO is directed to supply the coloured copy of all the photographs to the accused Vinod against proper acknowledgement today itself.

NBWs against the accused Sonu @ Ashwani have been received back unexecuted. On a perusal of the report, it appears that accused had been deliberately avoiding his apprehension. The accused Sonu has appeared today in court and an application seeking cancellation of his NBWs has already been moved by him on 16.10.2021. Since the submissions made by him are not supported by any medical documents, the application of accused seeking cancellation of his NBWs is hereby dismissed. Accused is taken into custody.

Put up for further proceedings on 28.10.2021. Copy of this order be given dasti to the IO. Copies be also sent to DCP NE, Joint Commissioner of Police, Eastern Range and Commissioner of Police, Delhi for their information and compliance.

Copy of the order be also uploaded on the CIS Server.

(ARUN KUMAR GARG)
Chief Metropolitan Magistrate
NE/KKD/DELHI/23.10.2021