

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

FIR No. 59/20 dated 06.03.2020

PS- Crime Branch, Delhi (Investigated by Special Cell)

U/s 13/16/17/18 UA (P) Act, 120B r/w 109/114/124-A/

147/148/149/153A/186/201/212/295/302/307/341/353/395/420/427/435/436/452/454/468/471/34 IPC &

Section 3 & 4 Prevention of Damage to Public Property Act, 1984

and Section 25/27 Arms Act

State of NCT of Delhi Vs. Tahir Hussain & ors.

03.11.2020

In compliance of the office order no.417/RG/DHC/2020 dated 27.08.2020 and letter dated 20.09.2020 of the Registrar General of the Hon'ble High Court of Delhi, regarding Standard Operating Procedure/Guidelines for resumption of physical hearing and order no. 5277-5297/Judl./SHD/2020 dated 29.09.2020 in respect of Roster for physical hearing from 01.10.2020 to 31.10.2020 of the Ld.District & Sessions Judge, Shahdara, Karkardooma Courts, Delhi as well as earlier orders of Hon'ble High Court of Delhi and Ld. District and Sessions Judge, Shahdara, Karkardooma Courts, the present matter 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 DCP Pramod Singh Khushwaha and IO/ACP Alok Kumar through WebEx.

Accused Khalid Saifi produced from Jail No.12 from Mandoli Jail through Webex alongwith Ld. Counsel Sh. Harsh Bora.

Accused Isharat Jahan @ Pinki produced from Jail No.16 from Mandoli Jail through Webex Ld. Counsel Sh. Pradeep Teotia.

Accused Meeran Haider produced from Jail No.8 from Tihar Jail through Webex.

Accused Tahir Hussain produced from Jail No.3 from Tihar Jail

through Webex alongwith Ld. Counsels Sh. Rizwan & Ms. Ankita (at 3.00 pm).

Accused Gulfisha @ Gul produced from Jail No.6 from Tihar Jail through Webex alongwith Ld. Counsel Sh. Mahmood Pracha and Sh. Jatin Bhatt.

Accused Shafa Ur Rehman produced from Jail No.1 from Tihar Jail through Webex alongwith Ld. Counsel Sh. Amit Bhalla.

Accused Asif Iqbal Tanha produced from Jail No.4 from Tihar Jail through Webex alongwith Ld. Counsels Ms. Sowjanya Shankaran & Sh. Siddharth Satija.

Accused Shadab Ahmed produced from Jail No.13 from Mandoli Jail through Webex alongwith Ld. Counsel Sh. Kartik Murukutta.

Accused Natasha Narwal produced from Jail No.6 from Tihar Jail through Webex alongwith Ld. Counsel Sh. Adit S. Pujari, Ms Tusharika Mattoo and Sh. Kunal Negi.

Accused Devangana Kalita produced from Jail No.6 from Tihar Jail through Webex alongwith Ld. Counsel Sh. Adit S. Pujari, Ms Tusharika Mattoo and Sh. Kunal Negi.

Accused Tasleem Ahmed produced from Jail No.14 from Mandoli Jail through Webex alongwith Ld. Counsel Sh. Mehmood Pracha (through WebEx) and Sh. Jatin Bhatt (in court).

Accused Saleem Malik @ Munna produced from Jail No.13 from Mandoli Jail through Webex with Ld. Counsel Sh. Farooq Ahmad (in court).

Accused Mohd. Saleem Khan produced from Jail No.13 from Mandoli Jail through Webex alongwith Ld. Counsel Sh. Mehmood Pracha (through WebEx) and Sh. Jatin Bhatt (in court).

Accused Athar Khan produced from Jail No.4 from Tihar Jail through Webex alongwith Ld. Counsels Sh. Arjun Dewan & Sh. Akash Arora.

Accused is Safoora Zargar is present on bail alongwith Sh. Ritesh Dubey through WebEx.

(1) Ld. Special Prosecutor has submitted that the last orders dated 21.09.2020 and 21.10.2020 of this court for supply of hard copies of charge-sheet and documents to accused persons have been challenged before the Hon'ble High Court of Delhi and the said petition is listed for tomorrow.

Ld. Counsel for accused persons have submitted that there is no stay from the Hon'ble High Court of Delhi, as on date and thus the prosecution should have supplied the copies, in terms of the directions given by the court on the last date.

(2) Sh. Farooq Ahmad, Ld. Counsel for accused Saleem Malik is physically present in the court and has returned the pendrive containing the charge-sheet and the accompanying annexures, earlier supplied by the court, to the Ahlmad of the Court. Ahlmad is directed to receive the same after properly making the record.

He further submits that he seeks discharge in the present case as the accused has engaged new counsel. He is accordingly discharged.

Reader has informed the court that a fresh vakalatnama on behalf of accused Saleem Malik has been received through mail. The same is taken on record.

(3) (a) Sh. Mehmood Pracha, Ld. Counsel for the accused persons Tasleem Ahemed, Gulfisha and Saleem Khan has submitted that Sh. Jatin Bhatt, Ld. Counsel is present in the court for returning the pendrives and taking the new pendrives.

Ahlmad is directed to do the needful.

(b) Sh. Mehmood Pracha, further submits that Ahlmad be directed to maintain proper record of the returned pendrive and moreover the new pendrive provided does not show the hash value.

Ahlmad is directed to properly maintain the record regarding the pendrives, which were returned by the Id. Counsels for the accused persons after verifying it with IO, so that no confusion lingers over the same and he shall file a report on the next date.

Prosecution to reply on next date regarding the issue of hash value.

(4) Ld Counsel for accused Natasha Narwal submits that they have not been able to locate the pendrive and they are trying hard. Let them apprise the court about the status of pendrive on next date of hearing.

(5) (a) Almost all the accused persons as well as their counsels have complained about the various aspects of denial of certain clothings, medicines or otherwise permissible things, by the Jail Administration, as per the Jail rules. Different accused persons have highlighted their grievances, discrimination and their inability at time to get in touch with their counsels or their family members.

(b) Ld. Counsel for the accused Asif Iqbal has submitted that Asif be also provided computer and other facilities as given to other co-accused persons like Devangana so that he can see the charge-sheet or order of court on a pendrive and assist her.

(c) Since the court is constantly receiving complaints from accused persons in judicial custody and also their counsels, who have been moving successive applications to the court for directions to the Jail Superintendent, it appears that there are some issues regarding the administration of Jail complex as the applications for these accused persons have been made for basic, important but avoidable issues/grievances. Various orders have been passed in the past for the Jail Superintendent to consider the grievances of the accused persons lodged in their jail.

(d) The court is fully aware that the entitlement of the accused persons can only be in terms of jail rules; however, again in view of the constant

grievances as raised by the counsels and accused persons from time to time, this court is inclined to pass directions to the Director General (Prison) to take stock of the situation and ensure that all the issues/problems flagged by the counsel or the accused persons are heard, apprised and disposed off. The presence of the concerned Jail Superintendent might not be helpful as he is responsible for only one jail whereas the grievances seems to be running through all the jails.

(e) In these circumstances, the court directs that the officer not below the rank of Additional Director General (Prisons) shall appear on the next date of hearing. In case, the grievances or the issues are still not resolved by next date, the court will be compelled to take stock of the situation by the undersigned visiting the jail complex himself alongwith Ld. Prosecutor and Ld. defence counsel.

All the accused persons be produced through Webex on the said date by the concerned Jail Superintendent for next date i.e. 23.11.2020.

Copy of this order be mailed to all the Ld. Counsels for accused persons, Ld. Special Prosecutor, IO and the concerned Jail Superintendents.

Copy of this order be also mailed to Director General (Prisons) for information and necessary action at his end.

(AMITABH RAWAT)
Addl. Sessions Judge-03
Shahdara District, Karkardooma Courts,
Dated: 03.11.2020