

State Vs. Arif

FIR No.319/2015

PS: IP Estate

Central Dist: तीस हजारी  
Tis Hazari Courts, Delhi  
Room No. 150  
दालय, दिल्ली

*Matter heard through VCC over Cisco Webex.*

*Case is taken up in view of directions of Hon'ble High Court vide Office order No.26/DHC/2020 Dated 30.07.2020.*

06.08.2020

Present: Sh. Vakil Ahmed Ld. APP for State

Sh. Sunil Tiwari Ld. Counsel for applicant/accused

HC Banwari, PS I.P Estate.

*The present urgent application was filed on behalf of the applicant on email id of this court.*


Scanned copy of reply of under the signatures of HC Banwari, is received through email id of the court. Copy of same is already supplied to counsel for applicant/accused, through email.

This order shall dispose off the application for re-admission on bail u/s 437 Cr.PC, moved on behalf of **applicant/accused Arif**.

It is averred on behalf of accused/applicant that he has been falsely implicated in the present case. It is further averred that the applicant/accused has no involvement in the present case. It is further averred that the applicant could not appear before the court on previous dates of hearing as he lost his diary in which the date of hearing was noted. With these averments, prayer is made for grant of bail to accused.

Ld. APP for the State submits that the accused shall not be released on bail as he is an absconder and there exists a likelihood that if enlarged on bail, his presence during the course of trial will not be secured.

The perusal of the main case file is revealing that pursuant to execution of process

  
06/08/2020

u/s 82 Cr.PC, the applicant/accused was declared an absconder vide order dated 17.12.2018. It is also informed that the applicant was arrested 10.07.2020. As per the contentions advanced by counsel for applicant, he could not appear before the court on relevant dates due to loss of his diary in which he noted down the dates of hearing. However, it was still incumbent upon the part of applicant/accused to verify the status of present case proceedings from court. The abscondence of accused from process of law has led to wastage of precious judicial time and has also posed unnecessary burden on state exchequer.

Keeping in view the previous conduct of the accused, the apprehension of prosecution that if enlarged on bail, the accused will again flee away from process of law, appears to be well justified. Accordingly, the prayer of accused appears to be devoid of any merits and as such the application moved on behalf of accused Arif seeking his enlargement o bail is dismissed.

Application is accordingly disposed off.

Scanned copy of this order be sent to Ld. Counsel for accused through email.

Scanned copy of the order be also sent to Computer Branch for uploading on Delhi District Court Website.



**(RISHABH KAPOOR)**  
**MM-03 (Central), THC, Delhi**  
**06.08.2020**

FIR No.31/19  
PS. Rajender Nagar  
u/s 363 IPC

रिषभ कपूर  
RISHABH KAPOOR  
Me. 03  
केन्द्रीय जिला कमरा नं. 150  
Central District, Room No. 150  
तीस हजारी न्यायालय, दिल्ली  
Tis Hazari Courts, Delhi

**Matter heard through VCC over Cisco Webex.**  
**Case is taken up in view of directions of Hon'ble High Court vide Office order**  
**No.26/DHC/2020 Dated 30.07.2020.**

06.08.2020

Present: Ld. APP for the State.  
IO/SI Krishan Pal.

IO has moved an application for issuance of NBWs against the accused namely Kallu s/o Dhanu.


It is submitted by the IO that the accused is intentionally evading and is absconding to avoid his arrest. IO further submits that whereabouts of accused and minor victim Mahima have not been traced despite due efforts. IO also submits that the accused is permanent resident of Village Bhava ka phova Baniyan chak Madho Singh Post. Dhahi Chowki Thana Tudia Tehsil Bal Dorgah, District Tikamgarh, M.P. It is also submitted by the IO that there is no stay on arrest of accused in any Court of Law.

Submission heard.

In view of the submissions made by the IO and also keeping in view the fact that the investigation of the case has to be brought to a logical end, which certainly cannot take place in absence of the absconding accused, accordingly, this Court is of the considered view that accused is deliberately avoiding the process of law & his presence can not be secured without issuing of coercive process.

In these circumstances, NBWs be issued against the accused namely Kallu s/o Dhanu through IO / SHO concerned for 16.09.2020

It is needless to state that IO is at the liberty to cause the production of the accused before the court within the statutory period prescribed under law, in

  
6/08/2020

the event he is nabbed by him prior to the date fixed.

Application disposed off accordingly.

Scanned copy of this order be sent to IO/SI Krishanpal through email.  
Scanned copy of the order be also sent to Computer Branch for uploading on Delhi District Court Website.

  
**RISHABH KAPOOR)**  
**MM-03 (Central), THC, Delhi**  
**06.08.2020**



State Vs. Alishan

FIR No.183/2020

PS: IP Estate

रिशभ कपूर  
RISHABH KAPOOR  
रु. 150, टिस हजारी कोर्ट-03  
/ केन्द्रीय जिला कमरा नं. 150  
Central District, Room No. 150  
तीस हजारी न्यायालय, दिल्ली  
Tis Hazari Courts, Delhi

*Matter heard through VCC over Cisco Webex.*

*Case is taken up in view of directions of Hon'ble High Court vide Office order No.26/DHC/2020 Dated 30.07.2020.*

06.08.2020

Present: Sh. Vakil Ahmed Ld. APP for State

Sh. Jaswinder Singh Ld. LAC for applicant/accused

IO/SI Deepak Kumar

*The present urgent application was filed on behalf of the applicant on email id of this court.*

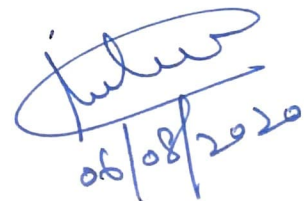
Scanned copy of reply of under the signatures of IO/SI Deepak Kumar, is received through email id of the court. Copy of same is already supplied to LAC for applicant/accused, through email.

This order shall dispose off the application for grant of regular bail u/s 437 Cr.PC, moved on behalf of **applicant/accused Alishan**.

It is averred on behalf of accused/applicant that he has been falsely implicated in the present case. It is further averred that the applicant/accused has no involvement in the present case. It is further averred that the applicant/accused is undergoing detention since 15.06.2020. It is further averred that the case of applicant is not covered in any of the directions given by Hon'ble High Powered Committee till date and as such he is seeking regular bail in the ordinary manner. With these averments, prayer is made for grant of bail to accused.

Ld. APP for the State submits that the accused shall not be released on bail as he is a habitual offender, having previous involvements.

IO has stated submits the applicant/accused was initially granted interim bail for 45

  
06/08/2020

days in present case and had surrendered before concerned Jail Superintendent on period of its expiration. IO further submits that the accused has not cooperated in effecting the recovery of case property nor has disclosed the whereabouts of the remaining accused persons, hence he be not enlarged on bail.

Upon query, IO has also apprised the court that the investigation in the present case is complete and charge-sheet has also been prepared.

Admittedly, during the period of his enlargement on interim bail, the applicant/accused has not indulged in any offences. This fact in itself rules out the apprehension of prosecution qua indulgence of accused in offences of like nature or of dissuading the witnesses in the case. Besides, the accused has remained in custody for a considerable period. There is no material on record to the extent that if admitted on bail, the accused will prevent the arrests of co-accused persons. The investigation in the case is already complete. No recovery has been effected from the possession of accused. The trial of the case will take long time and the presence of accused during the course of remaining investigation, in any and during trial can be secured through sufficient sureties undertaking his presence. In such circumstances, there exists no ground in further curtailing the liberty of accused.

Accordingly, the present application is allowed and applicant/accused **Alsihan** is hereby admitted on bail subject to furnishing personal bonds in the sum of Rs.15000 with one surety in like amount, to the satisfaction of concerned Ld.Duty MM. Application is accordingly disposed off.

Scanned copy of this order be sent to Ld. LAC for accused and to concerned Jail Superintendent through email.

Scanned copy of the order be also sent to Computer Branch for uploading on Delhi District Court Website.



**(RISHABH KAPOOR)**  
**MM-03 (Central), THC, Delhi**  
**06.08.2020**



**Dr. Sanjay Agrawal Vs. Dr. Veena Choudhury**

**CC No. 520256/2016**

**PS : I. P. Estate**

ऋषभ कापूर  
RISHABH KAPOOR

M. 3  
केन्द्रीय न्यायालय नं. 150  
Central Dist. Room No. 150  
तीस हजारी न्यायालय, दिल्ली  
Tis Hazari Courts, Delhi

***Matter heard through VCC over Cisco Webex.***

***Case is taken up in view of directions of Hon 'ble High Court vide Office order No.26/DHC/2020 Dated 30.07.2020.***

**06.08.2020**

Present: Ms. Minakshi Agrawal Ld. Counsel for complainant.

Matter was fixed for clarifications/orders today.

No clarifications are required.

This order shall decide the contentions of complainant qua summoning of accused persons for the offence of criminal conspiracy to defame him. The allegations leveled by the complainant are that the complainant was tasked with the responsibility of HOD Psychiatry, G.B.Pant Hospital by the department of Health and Family Welfare, Government of NCT of Delhi i.e. respondent number 6, upon relieving respondent number 2 from the said post. However, the respondent number 2 protested aforesaid orders and did not carry out the new assignments given to him. Allegedly, respondents number 1 and 4 also supported respondent number 2 and entered into criminal conspiracy with some students and officials of nursing staff in the department to allege accusations of sexual harassment against complainant. It is also alleged that the allegations of sexual harassment and professional misconduct were also leveled against wife of complainant, who was working as a professor in the same department. Allegedly, such allegations were also published in some regional newspapers. Further, pursuant to the complaint letter dated 22.11.2012 leveling the allegations complainant and his wife, an inquiry was initiated in a malafide manner and without giving due opportunity of being heard to complainant and his wife. Another inquiry was also initiated pursuant to complainant letter dated 26.11.2012 given by four nursing sisters, nine staff nurses and 10 workers of Psychiatry ward. The aforesaid inquiries were stated to be malafide and same resulted in repatriation of complainant's wife to her

*Minakshi Agrawal*  
06/08/2020.

parent cadre and debarring of complainant from all teaching activities. It is alleged that the complaint dated 22.11.2012 filed by the nine Junior resident doctors and other complaint dated 26.11.2012 are actuated by malafide intention to malign the reputation of complainant. It is also alleged that on 26.11.2012, three out of nine junior resident doctors were posted outside the psychiatry department and were not marking their attendance in the departmental register, two of them were shown to be absent and remaining four marked their attendance. It is with these allegations that the complainant has sought issuance of process against respondents for the offence of criminal conspiracy to commit his defamation.

In his PSE, complainant has examined total 8 witnesses.

CW-1 is complainant himself. All remaining witnesses are the junior resident doctors who had filed the complaint dated 22.11.2012.

CW-1 Dr. Sanjay Agarwal reiterated the allegations made in the complaint and placed on record documents Mark A to Mark Z7.

CW-2 Dr. Bharat Uday deposed that he was not advised by anyone to file the complaint and the same was filed due to his continuous harassment by complainant.

CW-3 Dr. Nimmi also stated of having not advised by anyone to sign the complaint. She deposed that the complainant called her several times to his house in odd hours. Sometimes, complainant also used to be alone at his home when this witness was called.

CW-4 Dr. Chavi Bhasin deposed that nobody advised her to file the complaint rather the same was filed on her own. She deposed that her grievance only relates to allegations qua her being pressurized by complainant and his wife to file written complaints against nursing staff and safai karamcharis.

CW-5 Dr. Aparna Das deposed that her grievance against the complainant relates to verbal abusing and shouting, throwing of records, being pressurized for filing complaint against nursing staff, instructions for not giving medications to aggressive patients, threats of withholding thesis, constantly being mocked in front of nursing orderlies, physical abuses, nudges, pinches and pushes by complainant's wife, use of foul language, interference in personal affairs, constant criticism, scolding, threats to fail them in exam etc. She denied that contents of complaint were flashed in media by her.

CW-6 Dr. Ajay Kumar Vashishtha deposed that the common complaint regarding harassment of students was filed against complainant and his wife collectively. He deposed of being told by some female doctors that at times, the complainant's

A handwritten signature in blue ink, followed by the date '06/08/2020' written in blue ink.




behavior was inappropriate and he used to appear in undergarments in front of female doctors, whom he used to call at his home.

CW-7 Dr. Deepika Makkar deposed that the complaint was not prepared upon instruction of any other person. She denied of having flashed the contents of complaint in media. She stated that complainant used to scold her on silly mistakes and also used to throw the patient records at her. CW-8 Dr. Rashmi Praksh deposed that in complaint, all the allegations except those regarding inappropriate behavior of complainant in front of female residents, including wearing inappropriate clothes (undergarments) and making weird gestures, pertains to her.

Having discussed the testimonies of CWs, let us advert to the merits of contentions advanced on behalf of complainant.


As per the version of the complainant, the alleged complaint dated 22.11.2012 is actuated by malafide of Junior resident doctors who have conspired with the respondents to defame complainant and his wife. To discard the allegations made in the complaint dated 22.11.2012, complainant has relied upon the attendance roll of the Junior resident doctors. As per complainant, on the relevant date, only four junior resident doctors were present in department and marked their attendance. However, the record of such attendance roll Mark Z7 cannot be read in evidence as the same has not been proved in accordance with law. Besides, this contention of complainant also appears to be untenable as the bare perusal of complaint dated 22.11.2012 would reveal that nine Junior resident doctors have not mentioned any specific dates or time period when the alleged harassment was meted out to them. The other contention of complainant regarding his demotion and debarring from teaching as well as repatriation of his wife to her parent cadre without due opportunity of being heard given to him in departmental inquiry, appears to be beyond the purview of the jurisdictional competence of this court as the same appears to be concerning with the administrative domain of concerned department. Further, the complainant has also failed to prima facie establish existence of any conspiracy or connivance between the respondents and Junior resident doctors who filed complaint dated 22.11.2012 as CW-2 to 8 have coherently deposed that they voluntarily filed said complaint due to the harassment meted out to them by complainant and his wife. Even though, the complainant has alleged the existence of conspiracy between the respondents and nine Junior resident doctors but none of these nine doctors have been arrayed as accused/respondents by the complainant for unexplained reasons. Further, CW-2 to 8 have also not denied the allegations made in complaint dated 22.11.2012. CW-2 to 8 have supported allegations qua the mental harassment by complainant and his wife. Further, CW-6 has also supported the allegations qua the inappropriate behavior of

  
06/08/2020.


complainant in front of female doctors. Even otherwise, the complainant has examined only seven out of nine Junior resident doctors and he has also not examined any witness from nursing staff to discredit the allegations leveled against him or to establish existence of any criminal conspiracy of defaming him.

In view of the discussion made above, complainant has failed to prima facie establish existence of criminal conspiracy between the respondents and Junior resident doctors as well as nursing staff and he has also failed to establish that allegations leveled against him were false or actuated by the malafide. Therefore, present complaint deserves dismissal U/S 203 of CrPC and the same is accordingly dismissed and is accordingly disposed off.

File be consigned to records after due completion.

Scanned Copy of this order be sent to counsel for applicant, electronically and be also  uploaded on CIS.

Scanned copy of the order be also sent to Computer Branch for uploading on Delhi District Court Website.

  
**(RISHABH KAPOOR)**  
**MM-03 (Central), THC, Delhi**  
**06.08.2020**



**State Vs. Untrace**

**e-FIR No.003200/2020**

**PS: I.P. Estate**

***Matter heard through VCC over Cisco Webex.***

***Case is taken up in view of directions of Hon'ble High Court vide Office order No.26/DHC/2020 Dated 30.07.2020.***

**06.08.2020**

Present: Sh. Rishabh Gulati Ld. Counsel for applicant

IO/HC Manoj Kumar

In furtherance of directions issued on 27.07.2020, IO/HC Manoj Kumar has filed status report through email. Copy of same stands supplied to counsel for applicant, electronically.

Status report perused.


IO has reported that on 30.07.2020, the statement of complainant was recorded and the documents of the auto in question were also obtained. It is also reported that the final report has been submitted in MVT court and same would be provided to applicant on its acceptance by the court.

Counsel for applicant submits that the present application be disposed off in view of the report filed by the IO, today.

Accordingly, as it emerges that at this stage nothing further is left to be done by this court in present case, accordingly, the present application stands disposed off.

Scanned copy of this order be sent to Ld. Counsel for applicant through email.

Scanned copy of the order be also sent to Computer Branch for uploading on Delhi District Court Website.

  
(RISHABH KAPOOR)  
MM-03 (Central), THC, Delhi  
06.08.2020