

SC:28812/16
FIR No: 515/2015
PS: Kotwali
State v. Vipin and Anr.

19.09.2020

File taken up today in terms of directions received vide letter No.:417/DHC/2020 of the Registrar General, Delhi High Court and Circular No.: 23456-23616/DJ(HQ)/Covid lockdown/Physical Courts Roster/2020 dated 30/08/2020 of Learned District & Sessions Judge(HQs), Delhi.

In view of the above-mentioned orders/directions, file is taken up through Webex.

In the present case, last regular date of hearing was 22.05.2020 and 20.07.2020.

On 20.07.2020, matter was adjourned for 19.09.2020.

Thereafter, as per directions from Hon'ble High Court, matter was adjourned was far due to lock-down. But in view of latest directions, matter is taken up today for hearing today through VC.

This court is holding physically today as per directions.

This court is also discharging Bait Roster duty.

Present: Mr. Pawan Kumar, learned Addl.PP for State in person.
Sh. Brijesh Kumar, Ld. Counsel for complainant through VC.
Sh. Shailender Arya, Ld. Counsel for both accused.
Both accused are stated to be on bail, but not present today and residing at Muzzafar Nagar.

Put up for PE in terms of previous order as well as consideration on cancellation of NBW on 18.01.2021.

(Naveen Kumar Kashyap)
ASJ-04/Central/19.09.2020

19.09.2020

File taken up today in terms of directions received vide letter No.:417/DHC/2020 of the Registrar General, Delhi High Court and Circular No.: 23456-23616/DJ(HQ)/Covid lockdown/Physical Courts Roster/2020 dated 30/08/2020 of Learned District & Sessions Judge(HQs), Delhi.

In view of the above-mentioned orders/directions, file is taken up through Webex.

In the present case, last regular date of hearing was 24.03.2020 and 20.07.2020.

On 20.07.2020, matter was adjourned for 19.09.2020.

Thereafter, as per directions from Hon'ble High Court, matter was adjourned was far due to lock-down. But in view of latest directions, matter is taken up today for hearing today through VC.

This court is holding physically today as per directions.

This court is also discharging Bail Roster duty.

Present: Appellant in person with counsel Sh. Mukesh Kumar.
Respondent not present.

Matter is already settled in Mediation.

**Put up for compliance and appearance of respondent
for 29.09.2020.**

(Naveen Kumar Kashyap)
ASJ-04/Central/19.09.2020

19.09.2020

File taken up today in terms of directions received vide letter No.:417/DHC/2020 of the Registrar General, Delhi High Court and Circular No.: 23456-23616/DJ(HQ)/Covid lockdown/Physical Courts Roster/2020 dated 30/08/2020 of Learned District & Sessions Judge(HQs), Delhi.

In view of the above-mentioned orders/directions, file is taken up through Webex.

In the present case, last regular date of hearing was 20.07.2020.

On 20.07.2020, matter was adjourned for 19.09.2020.

Thereafter, as per directions from Hon'ble High Court, matter was adjourned was far due to lock-down. But in view of latest directions, matter is taken up today for hearing today through VC.

**This court is holding physically today as per directions.
This court is also discharging Bail Roster duty.**

Present: Both Revisionists in person with counsel Sh. Harsh Gupta in person.
Sh. Pawan Kumar, Ld. Addl. PP for the state/Respondent no.1.
None for Respondent no.2/original complainant Asha Rani.

Today, case was fixed for physical hearing as per directions of Higher Authority.

On the last date of hearing i.e. on 20.07.2020, matter was adjourned for arguments through VC but even on the last date of hearing, adjournment was sought by respondent side stating that file is not with him and party did not contact him.

Today, also none is present on behalf of Respondent no.2. Ample opportunity is already given to Respondent no.2 to address arguments. Still in the interest of justice, Respondent no.2 is given opportunity to file written submission only by the next date of hearing not exceeding three pages.

At request, put up for arguments through VC on

19.10.2020.

(Naveen Kumar Kashyap)
ASJ-04/Central/19.09.2020

19.09.2020

Gurvinder Singh v. The State & Ors. CR: 678/2019

File taken up today in terms of directions received vide letter No.:417/DHC/2020 of the Registrar General, Delhi High Court and Circular No.: 23456-23616/DJ(HQ)/Covid lockdown/Physical Courts Roster/2020 dated 30/08/2020 of Learned District & Sessions Judge(HQs), Delhi.

In view of the above-mentioned orders/directions, file is taken up through Webex.

In the present case, last regular date of hearing was 20.07.2020.

On 20.07.2020, matter was adjourned for 19.09.2020.

Thereafter, as per directions from Hon'ble High Court, matter was adjourned was far due to lock-down. But in view of latest directions, matter is taken up today for hearing today through VC.

**This court is holding physically today as per directions.
This court is also discharging Bail Roster duty.**

Present: Revisionist in person with counsel Sh. Harsh Gupta in person.
Sh. Pawan Kumar, Ld. Addl. PP for the state/Respondent no.1.
None for Respondent no.2/original complainant Pawanjit Singh Bawa.

Today, case was fixed for physical hearing as per directions of Higher Authority.

On the last date of hearing i.e. on 20.07.2020, matter was adjourned for arguments through VC but even on the last date of hearing, adjournment was sought by respondent side stating that file is not with him and party did not contact him.

Today, also none is present on behalf of Respondent no.2. Ample opportunity is already given to Respondent no.2 to address arguments. Still in the interest of justice, Respondent no.2 is given opportunity to file written submission only by the next date of hearing not exceeding three pages.

At request, put up for arguments through VC on

19.10.2020.

(Naveen Kumar Kashyap)
ASJ-04/Central/19.09.2020

Crl Rev: 322/2019
G.K. Sarkar v. Shameem Ahmed

19.09.2020

File taken up today in terms of directions received vide letter No.:417/DHC/2020 of the Registrar General, Delhi High Court and Circular No.: 23456-23616/DJ(HQ)/Covid lockdown/Physical Courts Roster/2020 dated 30/08/2020 of Learned District & Sessions Judge(HQs), Delhi.

In view of the above-mentioned orders/directions, file is taken up through Webex.

In the present case, last regular date of hearing was 09.07.2020.

On 09.07.2020, matter was adjourned for 19.09.2020.

Thereafter, as per directions from Hon'ble High Court, matter was adjourned was far due to lock-down. But in view of latest directions, matter is taken up today for hearing today through VC.

**This court is holding physically today as per directions.
This court is also discharging Bail Roster duty.**

Present: Revisionist in person with counsel Sh. Satish Aggarwal through VC.
None for respondent.

Oral arguments heard.

Further, it is submitted that they have already filed written arguments. It is further submitted that they have filed latest judgment through the e-mail yesterday only.

Interim order to continue till next date of hearing.

Put up for arguments, if any only from respondent side, if any/ clarifications, if any/judgment on 14.10.2020.

(Naveen Kumar Kashyap)
ASJ-04/Central/19.09.2020

SC:359/2017
FIR No: 13/2017
PS: Karol Bagh
State v. Gaurav @ Kishan & Anr.

19.09.2020

File taken up today in terms of directions received vide letter No.:417/DHC/2020 of the Registrar General, Delhi High Court and Circular No.: 23456-23616/DJ(HQ)/Covid lockdown/Physical Courts Roster/2020 dated 30/08/2020 of Learned District & Sessions Judge(HQs), Delhi.

In view of the above-mentioned orders/directions, file is taken up through Webex.

In the present case, last regular date of hearing was 22.05.2020 and 20.07.2020.

On 20.07.2020, matter was adjourned for 19.09.2020.

Thereafter, as per directions from Hon'ble High Court, matter was adjourned was far due to lock-down. But in view of latest directions, matter is taken up today for hearing today through VC.

This court is holding physically today as per directions.

This court is also discharging Bail Roster duty.

Present: Mr. Pawan Kumar, learned Addl.PP for State in person.
None for accused.

No adverse order is passed in the interest of justice.

Issue P/w of the accused, if any in JC for next date through VC or otherwise as the situation may prevail on next date of hearing.

Put up for PE in terms of previous order 18.01.2021.

(Naveen Kumar Kashyap)
ASJ-04/Central/19.09.2020

SC:414/2017
FIR No: 169/2016
PS: Roop Nagar
State v. Panne Lal Kamat

19.09.2020

File taken up today in terms of directions received vide letter No.:417/DHC/2020 of the Registrar General, Delhi High Court and Circular No.: 23456-23616/DJ(HQ)/Covid lockdown/Physical Courts Roster/2020 dated 30/08/2020 of Learned District & Sessions Judge(HQs), Delhi.

In view of the above-mentioned orders/directions, file is taken up through Webex.

In the present case, last regular date of hearing was 26.03.2020,22.05.2020 and 20.07.2020.

On 20.07.2020, matter was adjourned for 19.09.2020.

Thereafter, as per directions from Hon'ble High Court, matter was adjourned was far due to lock-down. But in view of latest directions, matter is taken up today for hearing today through VC.

This court is holding physically today as per directions.

This court is also discharging Bail Roster duty.

Present: Mr. Pawan Kumar, learned Addl.PP for State in person.
Sh. Sanjay Kumar, Id. Counsel for accused alongwith accused
Pannel Lal in person.

No adverse order is passed against other accused in the interest of justice.

Issue P/w of the accused, if any in JC for next date through VC or otherwise as the situation may prevail on next date of hearing.

Put up for PE in terms of previous order 18.01.2021.

(Naveen Kumar Kashyap)
ASJ-04/Central/19.09.2020

19.09.2020

File taken up today in terms of directions received vide letter No.:417/DHC/2020 of the Registrar General, Delhi High Court and Circular No.: 23456-23616/DJ(HQ)/Covid lockdown/Physical Courts Roster/2020 dated 30/08/2020 of Learned District & Sessions Judge(HQs), Delhi.

In view of the above-mentioned orders/directions, file is taken up through Webex.

In the present case, last regular date of hearing 02/09/2020 & 04/09/2020. Thereafter, as per directions from Hon'ble High Court, matter was adjourned as far due to lock-down. But in view of latest directions, matter is taken up today for hearing through VC.

This court is also discharging Bail Roster duty. Today this court is holding physically hearing as per directions.

Present: Mr. Raj Kumar, learned counsel for appellant alongwith appellant in person.
Mr. Pawan Kumar, learned Addl.PP for State.

Arguments in detail heard on the maintainability.

Put up for arguments on merit also and further proceedings for the next date of hearing.

At request, put up for arguments on 10/11/2020.

(Naveen Kumar Kashyap)
ASJ-04/Central/19.09.2020

SC No.: 257/2020
FIR No. 153/2020
PS Subzi Mandi
State Vs Tejbhan & others

19.09.2020

File taken up today in terms of directions received vide letter No.:417/DHC/2020 of the Registrar General, Delhi High Court and Circular No.: 23456-23616/DJ(HQ)/Covid lockdown/Physical Courts Roster/2020 dated 30/08/2020 of Learned District & Sessions Judge(HQs), Delhi.

In view of the above-mentioned orders/directions, file is taken up through Webex.

In the present case, last regular date of hearing 04/09/2020. Thereafter, as per directions from Hon'ble High Court, matter was adjourned was far due to lock-down. But in view of latest directions, matter is taken up today for hearing through VC.

This court is also discharging Bail Roster duty. Today this court is holding physically hearing as per directions.

Present: Mr. Pawan Kumar, learned Addl.PP for State.

None for the accused persons.

In the interest of justice, no adverse order is passed in the present case. Issue production warrant for the accused who are stated to be in JC for the next date of hearing.

Put up for arguments on the point of charge for **15/01/2021**.

(Naveen Kumar Kashyap)
ASJ-04/Central/19.09.2020

Cri Rev: 323/2019
Deepak Kumar Mangotra v. Shameem Ahmed

19.09.2020

File taken up today in terms of directions received vide letter No.:417/DHC/2020 of the Registrar General, Delhi High Court and Circular No.: 23456-23616/DJ(HQ)/Covid lockdown/Physical Courts Roster/2020 dated 30/08/2020 of Learned District & Sessions Judge(HQs), Delhi.

In view of the above-mentioned orders/directions, file is taken up through Webex.

In the present case, last regular date of hearing was 09.07.2020.

On 09.07.2020, matter was adjourned for 19.09.2020.

Thereafter, as per directions from Hon'ble High Court, matter was adjourned was far due to lock-down. But in view of latest directions, matter is taken up today for hearing today through VC.

**This court is holding physically today as per directions.
This court is also discharging Bail Roster duty.**

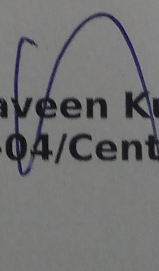
Present: Revisionist in person with counsel Sh. Satish Aggarwal through VC.
None for respondent.

Oral arguments heard.

Further, it is submitted that they have already filed written arguments. It is further submitted that they have filed latest judgment through the e-mail yesterday only.

Interim order to continue till next date of hearing.

Put up for arguments, if any only from respondent side, if any/ clarifications, if any/judgment on 14.10.2020.


(Naveen Kumar Kashyap)
ASJ-04/Central/19.09.2020

SC:28705/2016

FIR No: 307/2016

PS: Kotwali

State v. Shahjahan & Ors.

19.09.2020

File taken up today in terms of directions received vide letter No.:417/DHC/2020 of the Registrar General, Delhi High Court and Circular No.: 23456-23616/DJ(HQ)/Covid lockdown/Physical Courts Roster/2020 dated 30/08/2020 of Learned District & Sessions Judge(HQs), Delhi.

In view of the above-mentioned orders/directions, file is taken up through Webex.

In the present case, last regular date of hearing was 20.07.2020.

On 20.07.2020, matter was adjourned for 19.09.2020.

Thereafter, as per directions from Hon'ble High Court, matter was adjourned was far due to lock-down. But in view of latest directions, matter is taken up today for hearing today through VC.

This court is holding physically today as per directions.

This court is also discharging Bail Roster duty.

Present: Mr. Pawan Kumar, learned Addl.PP for State in person.
None for accused.

No adverse order is passed in the interest of justice.

Issue P/w of the accused, if any in JC for next date through VC or otherwise as the situation may prevail on next date of hearing.

Put up for PE in terms of previous order 15.01.2021.

(Naveen Kumar Kashyap)
ASJ-04/Central/19.09.2020

SC:27250/2016
FIR No: 303/2014
PS: Subzi Mandi
State v. Sunil @ Kalu etc.

19.09.2020

File taken up today in terms of directions received vide letter No.:417/DHC/2020 of the Registrar General, Delhi High Court and Circular No.: 23456-23616/DJ(HQ)/Covid lockdown/Physical Courts Roster/2020 dated 30/08/2020 of Learned District & Sessions Judge(HQs), Delhi.

In view of the above-mentioned orders/directions, file is taken up through Webex.

In the present case, last regular date of hearing was 22.05.2020 and 20.07.2020.

On 20.07.2020, matter was adjourned for 19.09.2020.

Thereafter, as per directions from Hon'ble High Court, matter was adjourned was far due to lock-down. But in view of latest directions, matter is taken up today for hearing today through VC.

This court is holding physically today as per directions.

This court is also discharging Bail Roster duty.

Present: Mr. Pawan Kumar, learned Addl.PP for State in person.
None for accused.

No adverse order is passed in the interest of justice.

Issue P/w of the accused, if any in JC for next date through VC or otherwise as the situation may prevail on next date of hearing.

Put up for PE in terms of previous order 15.01.2021.

(Naveen Kumar Kashyap
ASJ-04/Central/19.09.2021)

Crl Rev: 11/2020, 12/2020,13/2020,14/2020,15/2020,16/2020
Deepak Talwar v. Income Tax Office

19.09.2020

File taken up today in terms of directions received vide letter No.:417/DHC/2020 of the Registrar General, Delhi High Court and Circular No.: 23456-23616/DJ(HQ)/Covid lockdown/Physical Courts Roster/2020 dated 30/08/2020 of Learned District & Sessions Judge(HQs), Delhi.

In view of the above-mentioned orders/directions, file is taken up through Webex.

In the present case, last regular date of hearing was 11.09.2020.

On 11.09.2020, matter was adjourned for 19.09.2020.

Thereafter, as per directions from Hon'ble High Court, matter was adjourned was far due to lock-down. But in view of latest directions, matter is taken up today for hearing today .

This court is holding physically today as per directions.
This court is also discharging Bail Roster duty.

Present: Sh. Prabhav Ralli, Ld. Counsel for Revisionist through VC.
Sh. Manmeet Singh Arora, Ld. Counsel for respondent/ITO.

As per report, reply already received physically from respondent and same is already taken on record. But it is submitted again by the revisionist side that they have not received physical copy of the same. At this stage, without going into this controversy, learned counsel for ITO/respondent submit that he is ready to supply additional copy through e-mail to the address provided by the revisionist side during the course of the day. **E-mail ID of Revisionist is *lexalliance.tanveer@gmail.com*.**

Heard. Allowed.

As such, put up for arguments on present revision petition through VC on 08.10.2020.

(Naveen Kumar Kashyap)
ASJ-04/Central/19.09.2020

19.09.2020

File taken up today in terms of directions received vide letter No.:417/DHC/2020 of the Registrar General, Delhi High Court and Circular No.: 23456-23616/DJ(HQ)/Covid lockdown/Physical Courts Roster/2020 dated 30/08/2020 of Learned District & Sessions Judge(HQs), Delhi.

In view of the above-mentioned orders/directions, file is taken up through Webex.

In the present case, last regular date of hearing 05/09/2020. Thereafter, as per directions from Hon'ble High Court, matter was adjourned was far due to lock-down. But in view of latest directions, matter is taken up today for hearing through VC.

This court is also discharging Bail Roster duty. Today this court is holding physically hearing as per directions.

Present: Mr. Punit Vijay, learned counsel for revisionist in person through physical hearing.

Ms. Diviya, learned counsel for respondents no.1 & 2 through VC.
None for other respondents.

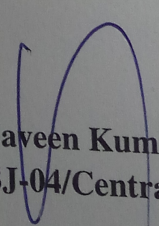
Learned counsel for revisionist has relied upon certain case law and argued on the aspect of necessity for impleading respondents no.1 to 3 as to why proposed respondents be made parties in this revision petition.

In view of such judgment and provisions of section 401 Cr.PC they are allowed to be impleaded as respondents in the present criminal revision petition.

Issue notice to remaining respondents through electronic mode for the next date of hearing.

Learned counsel for revisionist has stated that he wants to address arguments through physical hearing. Steps be taken by the revisionist within two weeks.

Put up for further arguments on 18/01/2021.


(Naveen Kumar Kashyap)
ASJ-04/Central/19.09.2020

SC:28592/2016
FIR No: 275/2009
PS: Burari

State v. Mohd. Nazim & Ors.

19.09.2020

File taken up today in terms of directions received vide letter No.:417/DHC/2020 of the Registrar General, Delhi High Court and Circular No.: 23456-23616/DJ(HQ)/Covid lockdown/Physical Courts Roster/2020 dated 30/08/2020 of Learned District & Sessions Judge(HQs), Delhi.

In view of the above-mentioned orders/directions, file is taken up through Webex.

In the present case, last regular date of hearing was 07.07.2020.

On 07.07.2020, matter was adjourned for 19.09.2020.

Thereafter, as per directions from Hon'ble High Court, matter was adjourned was far due to lock-down. But in view of latest directions, matter is taken up today for physical hearing.

This court is holding physically today as per directions.

This court is also discharging Bail Roster duty.

Present: Mr. Pawan Kumar, learned Addl.PP for State.
Sh. R.N. Pandey, Ld. Counsel for accused no. 1,2,4,5,6 & 7.
None for accused no.3.

This is one of the oldest matter pending in this case.

Last and final opportunity is given to all the accused to address further arguments, if any. Further, they are also given opportunity that instead of oral arguments they can submit written arguments not exceeding three pages per accused by next date of hearing.

Put up for further arguments by both sides through VC or otherwise, situation may be on next date of hearing for 03.10.2020.

Earliest possible next date of hearing is given having regard to other old and time bound matter pending in this court.

(Naveen Kumar Kashyap)
ASJ-04/Central/19.09.2020

SC No.: 287/2019

FIR No. 478/2018

PS Burari

State Vs Sanjay Tiwari & others

19.09.2020

File taken up today in terms of directions received vide letter No.:417/DHC/2020 of the Registrar General, Delhi High Court and Circular No.: 23456-23616/DJ(HQ)/Covid lockdown/Physical Courts Roster/2020 dated 30/08/2020 of Learned District & Sessions Judge(HQs), Delhi.

In view of the above-mentioned orders/directions, file is taken up through Webex.

In the present case, last regular date of hearing 28/03/2020, 20/04/2020 and 11/04/2020. Thereafter, as per directions from Hon'ble High Court, matter was adjourned was far due to lock-down. But in view of latest directions, matter is taken up today for hearing through VC.

This court is also discharging Bail Roster duty. Today this court is holding physically hearing as per directions.

Present: Mr. Pawan Kumar, learned Addl.PP for State.

Mr. Avdhesh Kumar, learned counsel for all accused through VC.

All the four accused are in person in court during physical hearing.

It is stated by the learned counsel for the accused that his brother is tested corona positive and he has quarantined himself at present.

Case be called again at 12:30 PM.

(Naveen Kumar Kashyap)
ASJ-04/Central/19.09.2020

At 12:30 PM

At request of the accused persons, put up for 29/09/2020 i.e. the physical hearing dates of this court, for recording of statements of accused u/s 313 Cr.PC.

(Naveen Kumar Kashyap)
ASJ-04/Central/19.09.2020

19.09.2020

File taken up today in terms of directions received vide letter No.:417/DHC/2020 of the Registrar General, Delhi High Court and Circular No.: 23456-23616/DJ(HQ)/Covid lockdown/Physical Courts Roster/2020 dated 30/08/2020 of Learned District & Sessions Judge(HQs), Delhi.

In view of the above-mentioned orders/directions, file is taken up through Webex.

This court is also discharging Bail Roster duty. Today this court is holding physically hearing as per directions.

Present: Mr. Pawan Kumar, learned Addl.PP for State.
None for the accused.

None has appeared on behalf of accused either through physical or through VC. Learned counsel for the accused is also absent since morning. It is already 3:30 PM. The case was fixed for pronouncement of judgment which could not be pronounced due to non availability of accused and his counsel.

Under these circumstance, issue NBWs against accused and notice to his surety for the next date of hearing. Such NBWs be issued forthwith. Ahlmad is directed to do needful accordingly.

Put up for 24/09/2020.

(Naveen Kumar Kashyap)
ASJ-04/Central/19.09.2020

MISC. APPLICATION

**State v. Laddan etc.
(APPLICATION OF ROHIT S/O SUBHASH FOR RELEASE ON
PERSONAL BOND)
FIR No.: 83/2020
PS: Kashmere Gate
U/S: 147,148,149,186,353,279,270,436, IPC &
3 of Epidemic Act and 3 PDP Act**

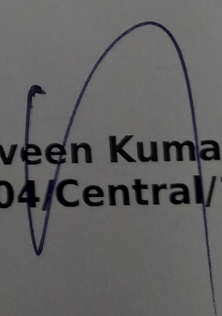
19.09.2020

This court is holding physically today as per directions.

Present: Mr. Pawan Kumar, learned Addl.PP for State.
Sh. Chetanya Puri, Ld. LAC for applicant through electronic mode.

Some time is sought by the parties to further argue including regarding placing on record the relevant case laws/directions on the issue under consideration.

Put up on 24.09.2020.


**(Naveen Kumar Kashyap)
ASJ-04/Central/19.09.2020**

MISC. APPLICATION

(APPLICATION OF MUNNA FOR RELEASE ON PERSONAL BOND)
State v. Laddan etc.
FIR No.: 83/2020
PS: Kashmere Gate
U/S: 147,148,149,186,353,279,270,436, IPC &
3 of Epiemic Act and 3 PDP Act

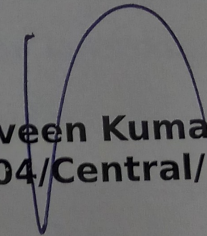
19.09.2020

This court is holding physically today as per directions.

Present: Mr. Pawan Kumar, learned Addl.PP for State.
Sh. Chetanya Puri, Ld. LAC for applicant through electronic mode.

Some time is sought by the parties to further argue including regarding placing on record the relevant case laws/directions on the issue under consideration.

Put up on 24.09.2020.


(Naveen Kumar Kashyap)
ASJ-04/Central/19.09.2020

MISC. APPLICATION

**State v. Laddan etc.
(APPLICATION OF ROHIT S/O PREM MOHAN FOR RELEASE
ON PERSONAL BOND)
FIR No.: 83/2020
PS: Kashmere Gate
U/S: 147,148,149,186,353,279,270,436, IPC &
3 of Epidemic Act and 3 PDP Act**

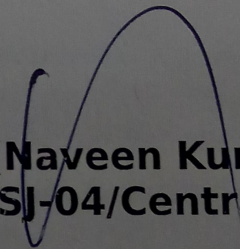
19.09.2020

This court is holding physically today as per directions.

Present: Mr. Pawan Kumar, learned Addl.PP for State.
Sh. Chetanya Puri, Ld. LAC for applicant through electronic mode.

Some time is sought by the parties to further argue including regarding placing on record the relevant case laws/directions on the issue for further consideration.

Put up on 24.09.2020.


**(Naveen Kumar Kashyap)
ASJ-04/Central/19.09.2020**

MISC. APPLICATION

**State v. Laddan etc.
(APPLICATION OF LADDAN S/O MD. ISMILE FOR RELEASE ON
PERSONAL BOND)
FIR No.: 83/2020
PS: Kashmere Gate
U/S: 147,148,149,186,353,279,270,436, IPC &
3 of Epidemic Act and 3 PDP Act**

19.09.2020

This court is holding physically today as per directions.

Present: Mr. Pawan Kumar, learned Addl.PP for State.
Sh. Chetanya Puri, Ld. LAC for applicant through electronic mode.

Some time is sought by the parties to further argue including regarding placing on record the relevant case laws/directions on the issue under consideration.

Put up on 24.09.2020.

**(Naveen Kumar Kashyap)
ASJ-04/Central/19.09.2020**

Misc. APPLICATION

State v. Sakir
(APPLICATION FOR WITHDRAW SURETY OF TAJIM)
FIR No.: 267/2015
PS: Darya Ganj

19.09.2020

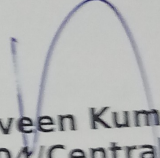
This court is holding physically today as per directions.

Present: Mr. Pawan Kumar, learned Addl.PP for State.
Sh. Ankit Aggarwal, Ld. Counsel for applicant Tajim/surety.

Let original record of this case be summoned from Record Room/previous court.

Further, issue fresh notice to accused through IO/SHO concerned for 29.09.2020.

Notice done


(Naveen Kumar Kashyap)
ASJ-04/Central/19.09.2020

SC:276/2020
FIR No: 606/2019
PS: Kotwali
State v. Golu Singh & Ors.

19.09.2020

File taken up today in terms of directions received vide letter No.:417/DHC/2020 of the Registrar General, Delhi High Court and Circular No.: 23456-23616/DJ(HQ)/Covid lockdown/Physical Courts Roster/2020 dated 30/08/2020 of Learned District & Sessions Judge(HQs), Delhi.

In view of the above-mentioned orders/directions, file is taken up through Webex.

This court is holding physically today as per directions.

This court is also discharging Bail Roster duty.

Present: Mr. Pawan Kumar, learned Addl.PP for State in person.
None for accused.

This case is transferred by Hon'ble Supreme Court to Delhi and ultimately assigned to the undersigned. No one was present on behalf of accused or complainant on last date of hearing.

Today again, none of the accused Golu Singh, Munnu Singh and Geeta Singh are present. Further complainant is also not present. But having regard to the present pandemic condition and the fact that matter is listed alternatively through VC or physical hearing, no coercive action is taken against the accused person.

Let court notice be issued to complainant and to all the three accused as this matter is recently transferred to this court.

Court notice be issued electronically as well as in physical form through proper channel.

Put up for further proceedings/appropriate order on

22.10.2020.

(Naveen Kumar Kashyap)
ASJ-04/Central/19.09.2020

IN THE COURT OF SH. NAVEEN KUMAR KASHYAP
ADDITIONAL SESSIONS JUDGE-04: CENTRAL:
TIS HAZARI COURTS: DELHI

BAIL APPLICATION

State v. Vinod @ Dada
(APPLICATION OF DEEPAK @ GADDAD)
FIR No. : 39/2019
P. S. : Lahori Gate
U/s: 394,397,307,411 IPC

19.09.2020.

This court is holding physically today as per directions.

This court is also discharging Bail Roster Duty.

Present: Mr. Pawan Kumar, Learned Addl. PP for State.
Sh. Harsh Hardy, Ld. Counsel for accused/applicant
through VC.

Arguments already heard. Today, case was fixed for order.
Vide this order, regular bail application u/s 439 Cr.PC dated
04.09.2020 filed by applicant through counsel is disposed of.
I have already heard both the sides.

The personal liberty is a priceless treasure for a human being. It is founded on the bed rock of constitutional right and accentuated further on human rights principle. The sanctity of liberty is the fulcrum of any civilized society. Deprivation of liberty of a person has enormous impact on his mind as well as body. Further article 21 Of the Constitution mandates that no person shall be deprived of his life or personal liberty except according to procedure established by law. Further India is a signatory to the International Covenant On Civil And Political Rights, 1966 and, therefore, Article 21 of the Constitution has to be understood in the light of the International Covenant On Civil And Political Rights, 1966. Further Presumption of innocence is a human right. Article 21 in view of its expansive meaning not only protects life and liberty, but also

envisages a fair procedure. Liberty of a person should not ordinarily be interfered with unless there exist cogent grounds therefor. The fundamental principle of our system of justice is that a person should not be deprived of his liberty except for a distinct breach of law. If there is no substantial risk of the accused fleeing the course of justice, there is no reason why he should be imprisoned during the period of his trial. The basic rule is to release him on bail unless there are circumstances suggesting the possibility of his fleeing from justice or thwarting the course of justice. When bail is refused, it is a restriction on personal liberty of the individual guaranteed by Article 21 of the Constitution.

Further it has been laid down from the earliest time that the object of Bail is to secure the appearance of the accused person at his trial by reasonable amount of Bail. The object of Bail is neither punitive nor preventive. Deprivation of liberty must be considered a punishment unless it can be required to ensure that an accused person will stand his trial when called upon. The courts owe more than verbal respect to the principle that punishment begins after convictions, and that every man is deemed to be innocent until duly tried and duly found guilty. From the earlier times, it was appreciated that detention in custody pending completion of trial could be a cause of great hardship. From time to time, necessity demands that some unconvicted persons should be held in custody pending trial to secure their attendance at the trial, but in such case 'necessity' is the operative test. In this country, it would be quite contrary to the concept of personal liberty enshrined in the constitution that any persons should be punished in respect of any matter, upon which, he has not been convicted or that in any circumstances, he should be deprived of his liberty under Article 21 of the Constitution upon only the belief that he will tamper with the witnesses if left at liberty, save in the most extraordinary circumstances. Apart from the question of prevention being the object of a refusal of bail, one must not lose sight of the fact that any imprisonment before conviction has a substantial punitive content and it would be improper for any court to refuse bail as mark of disapproval of former conduct whether the accused has been convicted for it or not or to

refuse bail to an unconvicted person for the purpose of giving him a taste of imprisonment as a lesson. While considering an application for bail either under Section 437 or 439 CrPC, the court should keep in view the principle that grant of bail is the rule and committal to jail an exception. Refusal of bail is a restriction on personal liberty of the individual guaranteed by Article 21 of the Constitution. Seriousness of the offence not to be treated as the only consideration in refusing bail : Seriousness of the offence should not to be treated as the only ground for refusal of bail. (Judgment of **Sanjay Chandra Vs. Central Bureau of Investigation, AIR 2012 SC 830** relied).

But, the liberty of an individual is not absolute. The Society by its collective wisdom through process of law can withdraw the liberty that it has sanctioned to an individual when an individual becomes a danger to the societal order. A society expects responsibility and accountability from the member, and it desires that the citizens should obey the law, respecting it as a cherished social norm. Therefore, when an individual behaves in a disharmonious manner ushering in disorderly thing which the society disapproves, the legal consequences are bound to follow.

Further discretionary jurisdiction of courts u/s 437 and 439 CrPC should be exercised carefully and cautiously by balancing the rights of the accused and interests of the society. Court must indicate brief reasons for granting or refusing bail. Bail order passed by the court must be reasoned one but detailed reasons touching merits of the case, detailed examination of evidence and elaborate documentation of merits of case should not be done.

At this stage , it can also be fruitful to note that requirements for bail u/s 437 & 439 are different. Section 437 Cr.P.C. severally curtails the power of the Magistrate to grant bail in context of the commission of non-bailable offences punishable with death or imprisonment for life, the two higher Courts have only the procedural requirement of giving notice of the Bail application to the Public Prosecutor, which requirement is also ignorable if circumstances so demand. The regimes regulating the powers of the Magistrate on the one hand and the two superior Courts are

decidedly and intentionally not identical, but vitally and drastically dissimilar. (**Sundeep Kumar Bafna Vs. State of Maharashtra, AIR 2014 SC 1745**).

Further at this stage it can be noted that interpreting the provisions of bail contained u/s 437 & 439 Cr.P.C., the Hon'ble Supreme Court in its various judgments has laid down various considerations for grant or refusal of bail to an accused in a non-bailable offence like, (i) Whether there is any prima facie or reasonable ground to believe that the accused had committed the offence; (ii) Nature of accusation and evidence therefor, (iii) Gravity of the offence and punishment which the conviction will entail, (iv) Reasonable possibility of securing presence of the accused at trial and danger of his absconding or fleeing if released on bail, (v) Character and behavior of the accused, (vi) Means, position and standing of the accused in the Society, (vii) Likelihood of the offence being repeated, (viii) Reasonable apprehension of the witnesses being tampered with, (ix) Danger, of course, of justice being thwarted by grant of bail, (x) Balance between the rights of the accused and the larger interest of the Society/State, (xi) Any other factor relevant and peculiar to the accused. (xii) While a vague allegation that the accused may tamper with the evidence or witnesses may not be a ground to refuse bail, but if the accused is of such character that his mere presence at large would intimidate the witnesses or if there is material to show that he will use his liberty to subvert justice or tamper with the evidence, then bail will be refused. Furthermore, in the landmark judgment of **Gurucharan Singh and others v. State** (AIR 1978 SC 179), it was held that there is no hard and fast rule and no inflexible principle governing the exercise of such discretion by the courts. It was further held that there cannot be any inexorable formula in the matter of granting bail. It was further held that facts and circumstances of each case will govern the exercise of judicial discretion in granting or refusing bail. It was further held that such question depends upon a variety of circumstances, cumulative effect of which must enter into the judicial verdict. Such judgment itself mentioned the nature and seriousness of nature, and circumstances in

which offences are committed apart from character of evidence as some of the relevant factors in deciding whether to grant bail or not.

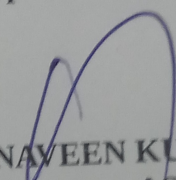
Further it may also be noted that it is also settled law that while disposing of bail applications u/s 437/439 Cr.P.C., courts should assign reasons while allowing or refusing an application for bail. But detailed reasons touching the merit of the matter should not be given which may prejudice the accused. What is necessary is that the order should not suffer from non-application of mind. At this stage a detailed examination of evidence and elaborate documentation of the merit of the case is not required to be undertaken. Though the court can make some reference to materials but it cannot make a detailed and in-depth analysis of the materials and record findings on their acceptability or otherwise which is essentially a matter of trial. Court is not required to undertake meticulous examination of evidence while granting or refusing bail u/s 439 of the CrPC.

It is stated in the present case that this is the 3rd regular bail application for accused Deepak. That present bail application is filed on the ground of parity. It is further argued that now there is a change in the circumstances and the main accused Vinod @ Dada is already granted regular bail by the Hon'ble High Court vide order dated 24.07.2020. It is further stated that he is in JC for the last 18 months. That other criminal cases under Arms Act alleged against the present accused but is already acquitted in the same. That his parents are not keeping well. That there is no possibility of tampering with evidence as the same are documentary/CCTV footage. As such, it is prayed that he be granted regular bail.

On the other hand, present bail application is vehemently opposed by the state. It is argued that there are specific allegations against the accused. That material witnesses are yet to be examined. As such, present bail application is opposed. It is further argued that offence is very serious in nature and is a nuisance to society at large. It is further stated that same is executed in a planned manner.

In this case, vide a detailed order dated 24.07.2020, Hon'ble High Court was pleased to grant bail to the co-accused Vinod @ Dada. All such grounds which are raised by the prosecution in the present bail application were also raised before Hon'ble High court during the arguments on the bail application of such co-accused. Under these circumstances, having regard to the principle of parity and the fact that co-accused is already granted regular bail by the Hon'ble High Court, present accused is also granted regular bail on same terms and conditions on which the co-accused Vinod @ Dada was granted regular bail by Hon'ble High Court which are reflected in para-13 of such order dated 24.07.2020.

With these observations, present bail application is allowed.


(NAVEEN KUMAR KASHYAP)
ASJ-04(Central/Delhi)
19.09.2020

SC No.: 28692/2016
FIR No. 348/2015
PS Nabi Karim
State vs Lokesh & others

19.09.2020

File taken up today in terms of directions received vide letter No.:417/DHC/2020 of the Registrar General, Delhi High Court and Circular No.: 23456-23616/DJ(HQ)/Covid lockdown/Physical Courts Roster/2020 dated 30/08/2020 of Learned District & Sessions Judge(HQs), Delhi.

In view of the above-mentioned orders/directions, file is taken up through Webex.

In the present case, last regular date of hearing were 18/04/2020, 10/06/2020, 10/08/2020, 18/08/2020, 20/08/2020 & 31/08/2020. Thereafter, as per directions from Hon'ble High Court, matter was adjourned was far due to lock-down. But in view of latest directions, matter is taken up today for hearing through VC.

This court is also discharging Bail Roster duty. Today this court is holding physically hearing as per directions.

Present: Mr. Pawan Kumar, learned Addl.PP for State.

Mr. Azad Singh, Learned counsel for the accused in person.

Both the accused no.1 Lokesh and no.2 Mohit in person through VC.

Vide separate judgment pronounced in open court during this hearing in which court is physical functioning today, accused No.1 & 2 Lokesh is convicted for the offence ***Under Section 392 r/w section 34 IPC, section 397 IPC, section 25 Arms Act & section 27 Arms Act.***

Accused No.2 Mohit is convicted for the offence u/s 392 r/w section 34 IPC.

Both the accused be summoned in person for the next date of hearing at the time of arguments on sentence. **Issue production warrant of the accused accordingly for the next date of hearing.**

Put up for arguments on sentence on 29/09/2020 through physical hearing. Learned counsel for accused is at liberty to appear through physically or through VC. Further, IO / SHO is directed to file in the meanwhile previous conviction record if any of both such accused. **Issue notice to the IO / SHO accordingly within two days.**

(Naveen Kumar Kashyap)
ASJ-04/Central/19.09.2020

: 1 :
IN THE COURT OF SH. NAVEEN KUMAR KASHYAP
ADDITIONAL SESSIONS JUDGE-04: CENTRAL:
TIS HAZARI COURTS: DELHI

BAIL APPLICATION

State v. Raj Bahadur & Ors.
(APPLICATION OF VASUDEV PRASAD)
FIR No. : 130/2014
P. S. : Kamla Market
U/s: 419,420,365,392,412,307,120B, 34 IPC

19.09.2020.

This court is holding physically today as per directions.

This court is also discharging Bail Roster Duty.

Present: Mr. Pawan Kumar, Learned Addl. PP for State.
Sh. Dipanshu Chugh, Ld. Counsel for accused/applicant
through VC.

Arguments already heard. Today, case was fixed for order.
Vide this order, regular bail application u/s 439 Cr.PC dated
25.08.2020 filed by applicant through counsel is disposed of.

I have already heard both the sides.

The personal liberty is a priceless treasure for a human being. It is founded on the bed rock of constitutional right and accentuated further on human rights principle. The sanctity of liberty is the fulcrum of any civilized society. Deprivation of liberty of a person has enormous impact on his mind as well as body. Further article 21 Of the Constitution mandates that no person shall be deprived of his life or personal liberty except according to procedure established by law. Further India is a signatory to the International Covenant On Civil And Political Rights, 1966 and, therefore, Article 21 of the Constitution has to be understood in the light of the International Covenant On Civil And Political Rights, 1966. *Further* Presumption of innocence is a human right. Article 21 in

view of its expansive meaning not only protects life and liberty, but also envisages a fair procedure. Liberty of a person should not ordinarily be interfered with unless there exist cogent grounds therefor. The fundamental principle of our system of justice is that a person should not be deprived of his liberty except for a distinct breach of law. If there is no substantial risk of the accused fleeing the course of justice, there is no reason why he should be imprisoned during the period of his trial. The basic rule is to release him on bail unless there are circumstances suggesting the possibility of his fleeing from justice or thwarting the course of justice. When bail is refused, it is a restriction on personal liberty of the individual guaranteed by Article 21 of the Constitution.

Further it has been laid down from the earliest time that the object of Bail is to secure the appearance of the accused person at his trial by reasonable amount of Bail. The object of Bail is neither punitive nor preventive. Deprivation of liberty must be considered a punishment unless it can be required to ensure that an accused person will stand his trial when called upon. The courts owe more than verbal respect to the principle that punishment begins after convictions, and that every man is deemed to be innocent until duly tried and duly found guilty. From the earlier times, it was appreciated that detention in custody pending completion of trial could be a cause of great hardship. From time to time, necessity demands that some unconvicted persons should be held in custody pending trial to secure their attendance at the trial, but in such case 'necessity' is the operative test. In this country, it would be quite contrary to the concept of personal liberty enshrined in the constitution that any persons should be punished in respect of any matter, upon which, he has not been convicted or that in any circumstances, he should be deprived of his liberty under Article 21 of the Constitution upon only the belief that he will tamper with the witnesses if left at liberty, save in the most extraordinary circumstances. Apart from the question of prevention being the object of a refusal of bail, one must not lose sight of the fact that any imprisonment before conviction has a substantial punitive content and

it would be improper for any court to refuse bail as mark of disapproval of former conduct whether the accused has been convicted for it or not or to refuse bail to an unconvicted person for the purpose of giving him a taste of imprisonment as a lesson. While considering an application for bail either under Section 437 or 439 CrPC, the court should keep in view the principle that grant of bail is the rule and committal to jail an exception. Refusal of bail is a restriction on personal liberty of the individual guaranteed by Article 21 of the Constitution. Seriousness of the offence not to be treated as the only consideration in refusing bail : Seriousness of the offence should not to be treated as the only ground for refusal of bail. (Judgment of **Sanjay Chandra Vs. Central Bureau of Investigation, AIR 2012 SC 830** relied).

But, the liberty of an individual is not absolute. The Society by its collective wisdom through process of law can withdraw the liberty that it has sanctioned to an individual when an individual becomes a danger to the societal order. A society expects responsibility and accountability from the member, and it desires that the citizens should obey the law, respecting it as a cherished social norm. Therefore, when an individual behaves in a disharmonious manner ushering in disorderly thing which the society disapproves, the legal consequences are bound to follow.

Further discretionary jurisdiction of courts u/s 437 and 439 CrPC should be exercised carefully and cautiously by balancing the rights of the accused and interests of the society. Court must indicate brief reasons for granting or refusing bail. Bail order passed by the court must be reasoned one but detailed reasons touching merits of the case, detailed examination of evidence and elaborate documentation of merits of case should not be done.

At this stage , it can also be fruitful to note that requirements for bail u/s 437 & 439 are different. Section 437 Cr.P.C. severally curtails the power of the Magistrate to grant bail in context of the commission of non-bailable offences punishable with death or imprisonment for life, the two higher Courts have only the procedural requirement of giving notice

of the Bail application to the Public Prosecutor, which requirement is also ignorable if circumstances so demand. The regimes regulating the powers of the Magistrate on the one hand and the two superior Courts are decidedly and intentionally not identical, but vitally and drastically dissimilar. (**Sundeep Kumar Bafna Vs. State of Maharashtra, AIR 2014 SC 1745**).

Further at this stage it can be noted that interpreting the provisions of bail contained u/s 437 & 439 Cr.P.C., the Hon'ble Supreme Court in its various judgments has laid down various considerations for grant or refusal of bail to an accused in a non-bailable offence like, (i) Whether there is any prima facie or reasonable ground to believe that the accused had committed the offence; (ii) Nature of accusation and evidence therefor, (iii) Gravity of the offence and punishment which the conviction will entail, (iv) Reasonable possibility of securing presence of the accused at trial and danger of his absconding or fleeing if released on bail, (v) Character and behavior of the accused, (vi) Means, position and standing of the accused in the Society, (vii) Likelihood of the offence being repeated, (viii) Reasonable apprehension of the witnesses being tampered with, (ix) Danger, of course, of justice being thwarted by grant of bail, (x) Balance between the rights of the accused and the larger interest of the Society/State, (xi) Any other factor relevant and peculiar to the accused. (xii) While a vague allegation that the accused may tamper with the evidence or witnesses may not be a ground to refuse bail, but if the accused is of such character that his mere presence at large would intimidate the witnesses or if there is material to show that he will use his liberty to subvert justice or tamper with the evidence, then bail will be refused. Furthermore, in the landmark judgment of **Gurucharan Singh and others v. State** (AIR 1978 SC 179), it was held that there is no hard and fast rule and no inflexible principle governing the exercise of such discretion by the courts. It was further held that there cannot be any inexorable formula in the matter of granting bail. It was further held that facts and circumstances of each case will govern the exercise of judicial

discretion in granting or refusing bail. It was further held that such question depends upon a variety of circumstances, cumulative effect of which must enter into the judicial verdict. Such judgment itself mentioned the nature and seriousness of nature, and circumstances in which offences are committed apart from character of evidence as some of the relevant factors in deciding whether to grant bail or not.

Further it may also be noted that it is also settled law that while disposing of bail applications u/s 437/439 Cr.P.C., courts should assign reasons while allowing or refusing an application for bail. But detailed reasons touching the merit of the matter should not be given which may prejudice the accused. What is necessary is that the order should not suffer from non-application of mind. At this stage a detailed examination of evidence and elaborate documentation of the merit of the case is not required to be undertaken. Though the court can make some reference to materials but it cannot make a detailed and in-depth analysis of the materials and record findings on their acceptability or otherwise which is essentially a matter of trial. Court is not required to undertake meticulous examination of evidence while granting or refusing bail u/s 439 of the CrPC.

It is stated in the present bail application is filed mainly on the ground of parity. It is further argued that now there is a change in the circumstances and the co-accused Raj Bahadur is already granted regular bail by the Hon'ble High Court vide order dated 24.08.2020. It is further argued that case of the present accused Vasudev Prasad is on much better footing than the main accused Raj Bahadur. It is further argued that such main accused Raj Bahadur is shown as the main person involved in the kidnapping of the complainant. Whereas the present applicant is not shown as the person who kidnapped the complainant or committed robbery/dacoity in question. That he is in JC for last about 6 years. That he was granted interim bail earlier and he never misused the same. That he is the sole bread earner of the family. That there is spread of corona virus including inside the jail. That his conduct is always satisfactory

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including inside the jail. That he is not involved in any other criminal case. As such, it is prayed that he be granted bail in the present case.

On the other hand, present bail application is vehemently opposed by the state. It is argued that there are specific allegations against the accused. That material witnesses are yet to be examined. It is further argued that offence is very serious in nature and is a nuisance to society at large. It is further stated that same is executed in a planned manner. But it is stated that as per record, there is no other criminal record of the present accused.

In this case, now vide a detailed order dated 24.08.2020, Hon'ble High Court was pleased to grant bail to the co-accused Raj Bahadur. All such grounds which are raised by the prosecution in the present bail application were also raised before Hon'ble High court during the arguments on the bail application of such co-accused. Under these circumstances, having regard to the principle of parity and the fact that co-accused is already granted regular bail by the Hon'ble High Court, present accused is also granted regular bail on same terms and conditions on which the co-accused Raj Bahadur was granted regular bail by Hon'ble High Court which are reflected in para-4 of such order dated 24.08.2020.

With these observations, present bail application is allowed.

(NAVEEN KUMAR KASHYAP)
ASJ-04(Central/Delhi)
19.09.2020