

**Chanchal @ Chandni vs. Mohd. Afsal**

**CT No.  
PS: Hari Nagar**

**District Courts functioning has been restricted/suspended till 15.07.2020 amid lockdown by the Hon'ble Delhi High Court, however, courts have been directed to take up the urgent matters.**

**09.07.2020**

Present: Shri Sumit Gaba, learned counsel for the for the applicant/complainant

IO/ASI Shiv Lal

**The court is convened through V/C (Cisco Webex).**

Reply filed through WhatsApp, however, some more time sought to finalize the enquiry. Same is not opposed by the learned counsel for the complainant. let copy of the reply filed by the IO be supplied to the counsel for the complainant through WhatsApp/e-mail.

Heard. File perused.

At request of IO, list the matter on 21.07.2020 at 11:30 a.m., through V/C for filing the report/further proceedings.

(Babita Puniya)  
MM-06, West District, THC  
Delhi 09.07.2020

बबीता पुनीया  
Ms. BABITA PUNIYA  
महानगर दण्डाधिकारी न्यायालय-06  
Metropolitam Magistrate-06  
जिला परिषद, कमरा नं 355, टुलिया  
West District, Room No. 355, Thero  
टीस हजारी न्यायालय, दिल्ली  
Tis Hazari Courts, Delhi

**Shipra Gupta vs. Subhash Chander Gupta & Ors**

**CC No.  
PS: Hari Nagar**

District Courts functioning has been restricted/suspended till 15.07.2020 amid lockdown by the Hon'ble Delhi High Court, however, courts have been directed to take up the urgent matters.

09.07.2020

Present: Shri Anil, learned for the applicant/complainant through V/C.

Complainant Shipra Gupta through V/C

IO/ASI Lal Singh has also joined the proceedings through V/C.

**The court is convened through V/C (Cisco Webex).**

**Reply filed by the IO.**

Let copy of the same be supplied to the learned counsel for the complainant through WhatsApp. Copy supplied.

Learned counsel seeks 15 minutes' time to go through the reply.

Heard. Allowed.

Put up after 15 minutes for further proceedings.

बबीता पुनिया  
Ms. BABITA PUNIYA  
बहालवार दफ्तरी स्थान  
Mahabub  
MM-06, West District, Delhi  
Room No. 116  
Delhi/09.07.2020

**After 15 minutes**

Present: Shri Anil, learned for the applicant/complainant through V/C.

Complainant Shipra Gupta through V/C

IO/ASI Lal Singh has also joined the proceedings through V/C.

**The court is convened through V/C (Cisco Webex) from residence office.**

It is stated by the learned counsel for the complainant that his application filed under sec. 156(3) of the Code of Criminal Procedure, 1973 may be decided. He prayed that police may be directed to investigate the matter as the complaint prima-facie discloses commission of cognizable offence. He also relied on a judgment passed by the Hon'ble Delhi High Court in the case of **M/S. Skipper Beverages Pvt. Ltd. vs State (2001 IVAD Delhi 625, 92 (2001) DLT 217, 2001 (59) DRJ 129)**. Relevant para of the judgment quoted by the learned counsel reads as under:-

*8. In case Arvindbhai Ravjibhai Patel Vs. Dhirubhai Sambhubhai reported in 1998(1) Crimes 351, an Hon'ble Judge of Gujarat High Court took strong exception to the growing tendency of asking the police to investigate cases under Section 156(3) of the Code and advised the Magistrates not to pass orders mechanically. It was held that Magistrates should act under Section 156(3) of the Code only in those cases where the assistance of the police is essentially required and the Magistrate is of the considered view that the complainant on his own may not be in a position to collect and produce evidence in support of the accusations*

I have heard the arguments and perused the application and the reply filed by the IO.

In the case of **Madhu Bala vs Suresh 1997 JCC 532 (SC)** the Hon'ble Supreme Court of India has held as under:-

*"—when a written complaint disclosing a cognizable offence is made before a Magistrate, he may take cognizance upon the same under Section 190(1)(a) of the Code and proceed with the same in accordance with the provisions of Chapter XV. The other option available to the Magistrate in such a case is to send the complaint to the appropriate Police Station under Section 156(3) for investigation."*

Hence, this court has two options either to proceed with the complaint as per the provisions of Chapter XV of the Code or in appropriate cases to send the same to the police station for investigation.

  
बबीता पुनिया  
Ms. BABITA PUNIYA  
महानगर इन्फ्रस्ट्रक्चर डेव्लपर्स-08  
Metropolitan Magistrate-08  
जिला परिषद, इलाहाबाद नं. 35, पुणे  
W. District Room No. 35  
महानगर इन्फ्रस्ट्रक्चर डेव्लपर्स-08

In the present case in hand, the parties are related to each other through matrimony. All the facts and circumstances of the case are within the knowledge of the complainant. The identity of the accused is also known to the complainant. I am of the considered view that there is no requirement of collection of evidence by the police at this stage as the complainant can lead her evidence. Hence, the application filed by the complainant under section 156(3) of the Code is hereby dismissed. However, I take cognizance of the offence alleged in the complaint.

Put up on 26.08.2020 for examination of the complainant and his witnesses, if any, under section 200 Cr.P.C.

List of witnesses, if not already filed, be filed on or before the next date of hearing.

(Babita Puniya)  
MM-06, West District, THC  
Delhi/09.07.2020

बबीता पुनिया  
Ms. BABITA PUNIYA  
महानगर दण्डविहारी न्यायालय-06  
Metropolitan Magistrate-06  
जिला पश्चिम, कमरा नं. 350, पुलिस थाना  
Police Room No. 350, Police Station  
दिल्ली न्यायालय

*Ashok Kumar vs. Bharti Chadha*

CT. No.  
PS: Hari Nagar

District Courts functioning has been restricted/suspended till 15.07.2020 amid lockdown by the Hon'ble Delhi High Court, however, courts have been directed to take up the urgent matters,

09.07.2020

**Present: Shri Prashant Diwan, learned counsel for the complainant**


**The court is convened through V/C (Cisco Webex) from residence office.**

Heard. File perused.

Let report be called from the concerned SHO for next date of hearing.

Put up on 18.07.2020 at 11:30 a.m., through V/C for arguments.

IO to also join the proceedings on the next date of hearing.

  
(Babita Puniya)  
MM-06, West District, THC  
Delhi/09.07.2020

बबीता पूनिया  
Ms. BABITA PUNIYA  
महानगर दफ्तराधिकारी न्यायालय-0  
Metropolitan Magistrate-0  
जिला पश्चिम, कमरा नं. 350, टुर्की  
West District, Room No. 350, The  
दिल्ली हाजारी न्यायालय  
Delhi

E-FIR No. 1325/2019  
E-FIR No. 1555/2019  
E-FIR No. 31916/2019  
E-FIR No. 1385/2019  
E-FIR No. 5892/2020  
E-FIR No. 257/2020  
PS: Hari Nagar  
U/Sec. 411 IPC

District Courts functioning has been restricted/suspended till 15.07.2020 amid lockdown by the Hon'ble Delhi High Court, however, courts have been directed to take up the urgent matters.

09.07.2020

Fresh charge-sheets in the above mentioned FIRs received from the concerned Duty Magistrate. It be checked and registered as per rules.

Present: Learned APP for the State

Concerned Naib Court has also joined the proceedings through V/C

Accused is stated to be in J/C.

Heard. File perused.

Let notice be issued to the concerned Jail Superintendent to produce the accused through V/C on 10.07.2020 at 11:30 a.m.

Notice be also issued to the owner of stolen property through IO to join the proceedings through V/C at the above date and time.

Put up on 10.07.2020 at 11:30 a.m., for further proceedings.

(Babita Puniya)  
MM-06, West District, THC  
Delhi/09.07.2020

बबीता पुनिया  
Ms. BABITA PUNIYA  
महानगर दण्डाधिकारी कार्यालय-क  
Metropolitan Magistrate-06  
जिला परिषद, कमरा नं. 355, नुबिया  
West District, Room No. 355, Nubia  
जिला इन्स्पेक्टी कार्यालय, दिल्ली  
The Metropolitan Magistrate, Delhi

E-FIR No. 44390/2019  
PS: Mundka  
U/Sec. 379/411 IPC

District Courts functioning has been restricted/suspended till 15.07.2020 amid lockdown by the Hon'ble Delhi High Court, however, courts have been directed to take up the urgent matters,

09.07.2020

Fresh charge-sheet received from the concerned Duty Magistrate. It be checked and registered as per rules.

Present: Learned APP for the State

Concerned Naib Court has also joined the proceedings through V/C

Accused is stated to be in J/C.

Heard. File perused.

Let notice be issued to the concerned Jail Superintendent to produce the accused through V/C on 10.07.2020 at 11:30 a.m.

Notice be also issued to the owner of stolen property through IO to join the proceedings through V/C at the above date and time.

Put up on 10.07.2020 at 11:30 a.m., for further proceedings.

(Babita Puniya)  
MM-06, West District, THC  
Delhi/09.07.2020

बबीता पुनिया  
Ms. BABITA PUNIYA  
महानगर दण्डाधिकारी, भागल-06  
Metropolitan Magistrate-06  
जिला परिषद, कक्षा नं. 355, पुलिस  
Y. District Room No. 355  
राजधानी नगरपालिका  
Tel: 26101111

*State vs. Anand @ Mundi*

FIR No. 23/2020  
U/sec. 25/54/59 Arms Act  
PS: Hari Nagar

District Courts functioning has been restricted/suspended till 15.07.2020 amid lockdown by the Hon'ble Delhi High Court, however, courts have been directed to take up the urgent matters.

09.07.2020

Present: Learned APP for the State

Learned counsel for the accused/applicant Anand @ Mundi

None for IO

**The court is convened through V/C (Cisco Webex) from residence office.**

After some arguments, learned counsel for the accused seeks short adjournment to inspect the judicial file and verify the status of accused.

Heard. Allowed.

Put up on 10.07.2020 at 11:20 a.m., through V/C for arguments.

Fresh notice be also issued to the IO for the next date of hearing.



(Babita Puniya)  
MM-06, West District, THC  
Delhi/09.07.2020

बबीता पुनिया  
Ms. BABITA PUNIYA  
महानगर दण्डनीतकरी अकाउन्ट-06  
Metropolitan Magistrate-06  
जिना पडिवा, कमरा नं. 355, पुलिस ठाउँ  
V District, Room No. 355, Police Station  
महानगर दण्डनीतकरी अकाउन्ट-06  
09.07.2020



*State vs. Anand @ Mundi*

FIR No. 23/2020

U/sec. 25/54/59 Arms Act

PS: Hari Nagar

District Courts functioning has been restricted/suspended till 15.07.2020 amid lockdown by the Hon'ble Delhi High Court, however, courts have been directed to take up the urgent matters.

07.07.2020

Fresh bail application received through e-mail from residence office.

Heard. Bail application perused.

Reply, if any, be filed called from the IO for next date of hearing.

Notice of this application be also issued to the learned APP for the State. Copy be also sent to the learned APP through WhatsApp/e-mail.

List the bail application for arguments on 09.07.2020 at 11:20 a.m., through V/C

(Babita Puniya)

MM-06, West District, THC

Delhi/07.07.2020

बबीता पुनिया  
Ms. BABITA PUNIYA  
महानगर दण्डाधिकारी अदालत-06  
Metropolitan Magistrate-06  
जिला पश्चिम, कक्षा नं. 355, तृतीय मंज  
District Room No. 355, Third Floor  
हरि नगरी पुलिस थाना, दिल्ली