

CC No. 525274/16

u/s 420 IPC PS : IP Estate

31.07.2020

Present : Ld. APP for the State

Virender Singh, Jail Warden, Dasna District Jail, Ghaziabad, Uttar Pradesh

Matter taken up on receipt of letter in the name of Superintendent, Dasna District Jail, Ghaziabad, dated 31.07.2020. As per the same, a clarification is sought vis-à-vis purported mismatch of relevant sections of law mentioned in the custody warrant as against the release warrant of accused Anil Kumar Jain, s/o Pawan Kumar Jain, r/o H.No 506 Tangol Wood Sector 8 Omaxe Height Shahpur Sonipat Haryana, lodged at the Dasna District Jail, Ghaziabad. It is stated in the letter that the custody warrant dated 28.02.2020 mentions the charging section as 156(3) Cr.P.C whereas the same is stated be as Section 420 IPC on the release warrant dated 23.07.2020. Clarification is sought in this regard.

On perusal of the case file of the matter under consideration, it is observed that initially, a complaint together with an application u/s 156(3) Cr.P.C was filed against Anil Kumar Jain, which was taken up for hearing on 05.08.2015. On 17.11.2016, the application u/s 156(3) Cr.P.C. was dismissed. Thereafter, only the complaint was pursued standalone and complainant pre-summoning evidence was led with ultimately, Anil Kumar Jain being summoned as an accused vide order dated 16.07.2018, to face prosecution u/s 420 IPC in the present case CC No 525274/16. This chronology of events thus explains the mentioning of Sections 156(3) Cr.P.C and Section 420 IPC on the custody and release warrants respectively. The former was a procedural section with respect to an application, which was dismissed, with the latter being the substantive section under which the accused is being prosecuted through compliant proceedings. Moreover, CC No 525274/16 is clearly mentioned on both the warrants as well. Further, the accused was granted bail in CC No. CC No 525274/16 vide order dated 15.07.2020, in which Section 420 IPC is also mentioned.

Considering the above, both the custody and the release warrants be read harmoniously in the above-mentioned terms as being for CC No 525274/16 u/s Section 420 IPC PS IP Estate, Delhi, with no conflict between the two.

The order be tagged in the case file, uploaded on District Court Website and also handed over to Virender Singh, Jail Warden from Dasna District Jail, Ghaziabad, as prayed. Matter disposed.

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31.07.2020

e-FIR No. 011514/2020

u/s 379/411/34 IPC

PS : Rajender Nagar

STATE v HASIM @ ASLAM & Anr

Fresh Charge sheet filed. It be checked and registered as per rules.

31.07.2020

Present : Ld. APP for the State

IO/ASI Brijender Singh

Fresh charge sheet filed be also uploaded in PDF Format on CCTNS, so that the same be registered on ICJS as well.

Put up for consideration for 21.08.2020.

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Link MM-03(Central)/THC/Delhi

31.07.2020

e-FIR No. 012016/2020

u/s 379/411 IPC

PS : Rajender Nagar

STATE v SAIZEE @ AJJU

Fresh Charge sheet filed. It be checked and registered as per rules.

31.07.2020

Present : Ld. APP for the State

IO/ASI Brijender Singh

Fresh charge sheet filed be also uploaded in PDF Format on CCTNS, so that the same be registered on ICJS as well.

Put up for consideration for 21.08.2020.

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31.07.2020

FIR No. 139/20 u/s 356/379/34 IPC,

FIR No. 141/20 u/s 356/379/411/34 IPC &

FIR No. 146/20 u/s 356/379/411/34 IPC

PS : Rajinder Nagar

STATE v ANIL s/o Sharvan Kumar (Saravan Kumar) (Ph : 8076769060)

Proceedings taken up through CISCO Webex (VC Facility)

31.07.2020

Present : Ld. APP for the State

Sh. Rahul Tandon, Ld. LAC for the applicant/accused

Reply to all the three bail applications moved on behalf of the applicant/accused has been filed in the name of IO/ASI Vijay Shankar. As per the same, the applicant/accused herein has already been granted bail in all the three FIRs by Ld. Sessions Court vide a common order dated 29.07.2020, pertaining to which the present applications have been moved. The Ld. Counsel for the applicant/accused has been apprised about the same.

Reply of the IO perused.

In view of the above, all the present bail applications under consideration become infructuous since bail has already been granted to the applicant/accused in each of them by the Ld. Sessions Court vide a common bail order dated 29.07.2020. Considering the same, all the bail applications are disposed as infructuous accordingly. The applicant /accused be released on bail in terms of the said order of the Ld. Sessions Court.

Copy of the present order, along with the copy of the common bail order passed by the Ld. Sessions Court, annexed with the reply of the IO be sent to the Jail Superintendent concerned electronically. The same be also shared with the Ld. LAC and uploaded on the District Court Website forthwith.

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Link MM-03(Central)/THC/Delhi

31.07.2020

FIR No. 319/2005

u/s 379 & 411 IPC

PS : IP Estate

31.07.2020

Proceedings taken up through Cisco Webex (VC Facility)

Present : Ld. APP for the State

Sh. Sunil Tiwari, Ld. Counsel for the applicant/accused

IO/SI Narender Beniwal in person

Proceedings are taken up today on the bail application filed for and on behalf of applicant 'Arif', in FIR No. 319/2005 u/s 379 & 411 IPC PS : IP Estate. Reply for the same has been filed by IO/SI Narender Beniwal. In the said reply, it has been pointed out by the IO that no one with the name of applicant 'Arif' has been arrested in the present FIR. Instead, one Narender, s/o Jaswant Singh, r/o A-19, School Block, Shakarpur, Delhi was arrested and charge sheeted in the present matter. The reply of the IO has been shared with the Ld. Counsel for the applicant as well.

It is noted on perusal of the application moved by the Ld. Counsel that other than the name of the applicant 'Arif', no other material information has been furnished like the parentage, address, date of arrest. In fact, the application seems incomplete. At two places, there are visible blanks with regards the date since when the applicant is stated to be in JC.

At this stage, the Ld. Counsel of the applicant points out that the FIR No. was incorrectly mentioned in the application as 319/2005, instead of 319/2015 and hence, he may be allowed to withdraw the present bail application with liberty to move afresh, with all the correct particulars mentioned incorrectly/or not mentioned in the present one.

Heard. Allowed. Present bail application stands disposed as withdrawn. The Ld. Counsel is at liberty to file a fresh bail application, if and when so desired.

Copy of the order be supplied to the Ld. Counsel and uploaded on the District Court website as well.

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