

SC No.592/2018  
State v. Kishanpal @ Fauzi  
FIR No. 356/2007  
PS: Hauz Qazi

15.06.2020

Present: Sh. Rajesh Anand, Id counsel for accused  
Kishanpal @ Fauzi.

1. Accused Gopal Krishan Aggarwal, who is present in the connected case being heard together bearing SC no. 27762/2016 has prayed that the judgment may be delivered in the case. He submits that this court had deferred the passing of final judgment since some accused persons wanted to file a petition to have the case transferred to some other presiding officer but the transfer petition filed by the accused persons has been dismissed. He submits that subsequently the accused persons sought the deferring of passing of judgment on the ground that they are moving an application before the Hon'ble Supreme Court for extension of time, which also did not find favour with the Hon'ble Supreme Court and was

*Handwritten signature*


dismissed by order dated 18.3.2020. He submits that now no petition or application is pending and there is no impediment in passing of final judgment by the undersigned.

2. Ld counsel for the accused person, however, opposes the plea. He submits that the accused person has filed certain applications and those may be decided.
3. Ld counsel for accused person submits that this case is being taken up and heard together with other sessions cases arising out of the same FIR. He submits that the present accused was earlier being jointly tried with others but had been later declared proclaimed offender, due to which his trial had been subsequently separated for recall of witnesses who had been examined in his absence. He submits that this case is not in respect of the offence under Section 174A of IPC because trial of the accused for that offence has not commenced yet. He submits that trial of the present accused for offence under Section 174A of IPC will be held by the ld successor court after disposal of the present sessions case, which is confined only to offences under Sections 302 and 120B of IPC.

*[Handwritten signature]*

4. By order dated 5.6.2020 in case titled Vinod Kumar @ Gola vs. State CrI. M. C. No. 1491/2020, the Hon'ble High Court of Delhi has directed this court to conclude the judgment and to pronounce the same within three weeks from the date of passing of the said order provided no transfer petition filed by any of the accused is pending. Pursuant to the aforementioned order and the order passed by this court on the last date, information was sought from the Registry by letter dated 10.6.2020 on whether there has been any order of transfer of the case or of stay of proceedings, lying in its records, since no such order had been delivered in this court. Even pursuant to the letter no such order has been transmitted and therefore it would be safe to assume that there is no such direction of transfer or stay. As informed by accused Gopal Krishan Aggarwal, the petition filed by the accused persons for extension of time for passing the final judgment has been dismissed by the Hon'ble Supreme Court, which implies that the Hon'ble Supreme Court has also desired that judgment be passed by the undersigned expeditiously. The case is ripe for pronouncement of judgment.

5. Put up for production of the accused person on 22.6.2020 at 2pm through videoconferencing, for which arrangements shall be made by the staff with the aid of videoconferencing team of the High Court.
6. In view of order dated 5.6.2020 passed by Hon'ble High Court of Delhi in case titled Vinod Kumar @ Gola vs. State CrI. M. C. No. 1491/2020, letters be written to Id Registrar General and Id. District and Sessions Judge for notifying the case in the cause list and on the website.

  
Ashish Aggarwal  
Joint Registrar (Judicial)  
15.06.2020

SC No.27762/2016  
State v. Rishipal & Ors.  
FIR No. 356/2007  
PS: Hauz Qazi

15.06.2020

Present: Accused persons Rishi Pal @ Pappu and Ashok Jain  
on bail.

Accused Gopal Krishan Aggarwal on interim bail.

Sh. Rajesh Anand, Id counsel who states that he represents  
all the accused persons.

1. Accused Parmod Singh @ Pammy is absent. He is stated to be on bail. Learned counsel for accused persons prays for exemption from personal appearance of the said accused on the ground that the accused is facing hardships and is unable to travel to the court from his residence at Ghaziabad. He submits that the accused person would appear on the next date. He is exempted from his appearance for today.
2. Accused Gopal Krishan Aggarwal prays that the judgment may be delivered in the case. He submits that this court had deferred the passing of final judgment since some accused persons wanted to file a petition to have the case transferred to some other presiding officer but the

transfer petition filed by the accused persons has been dismissed. He submits that subsequently the accused persons sought the deferring of passing of judgment on the ground that they are moving an application before the Hon'ble Supreme Court for extension of time, which also did not find favour with the Hon'ble Supreme Court and was dismissed by order dated 18.3.2020. He submits that now no petition or application is pending and there is no impediment in passing of final judgment by the undersigned. He urges that he is innocent and is suffering due to a protracted trial and prolonged custody despite there being no evidence against him.

3. Learned counsel for the accused persons, however, opposes the plea. He submits that the accused persons have filed certain applications and those may be decided.
4. Ld counsel for accused persons submits that along with this case, other sessions cases arising out of the same FIR are being taken up and have been heard together. He states that these cases are titled State v. Hitender @ Chhotu SC No.327/2019, State v. Kishanpal @ Fauzi SC No.592/2018 and State v. Desraj @ Desu SC No.28550/2016.



He submits that those three cases are against accused persons who were earlier being jointly tried but had been later declared proclaimed offenders, due to which their trial had been subsequently separated for recall of witnesses who had been examined in their absence. He submits that these three cases are not in respect of offence under Section 174A of IPC because trial of these three accused persons for the said offence has not commenced yet. He submits that trial for offence under Section 174A of IPC will be held by the Id successor court after disposal of sessions cases nos. 327/2019, SC No.592/2018 and SC No.28550/2016 which are confined only to offences under Sections 302 and 120B of IPC.

5. By order dated 5.6.2020 in case titled Vinod Kumar @ Gola vs. State CrI. M. C. No. 1491/2020, the Hon'ble High Court of Delhi has directed this court to conclude the judgment and to pronounce the same within three weeks from the date of passing of the said order provided no transfer petition filed by any of the accused is pending. Pursuant to the aforementioned order and the order passed by this court on the last date, information was sought from the Registry

*D. Kumar*

by letter dated 10.6.2020 on whether there has been any order of transfer of the case or of stay of proceedings, lying in its records, since no such order had been delivered in this court. Even pursuant to the letter no such order has been transmitted and therefore it would be safe to assume that there is no such direction of transfer or stay. As informed by accused Gopal Krishan Aggarwal, the petition filed by the accused persons for extension of time for passing the final judgment has been dismissed by the Hon'ble Supreme Court, which implies that the Hon'ble Supreme Court has also desired that judgment be passed by the undersigned expeditiously. The case is ripe for pronouncement of judgment.

6. Put up for appearance / production of all accused persons on 22.6.2020 at 2pm. Those who are in custody (Accused Parveen Koli, Bhisham @ Chintoo and Deepak @ Chowda) may be produced through videoconferencing, for which arrangements shall be made by the staff with the aid of videoconferencing team of the High Court.
7. In view of order dated 5.6.2020 passed by Hon'ble High Court of Delhi in case titled Vinod Kumar @ Gola vs. State





Crl. M. C. No. 1491/2020, letters be written to Id Registrar General and Id. District and Sessions Judge for notifying the case in the cause list and on the website.

8. Ld counsel for accused persons submits that the accused persons may be provided with specific written permission to enter the High Court premises on the next date. He submits that the security personnel at the High Court are causing hindrance in entry of the accused persons in the premises. The request is allowed. Let the said permission be given to accused persons who are on bail.



Ashish Aggarwal  
Joint Registrar (Judicial)  
15.06.2020

SC No.327/2019  
State v. Hitender @ Chhotu  
FIR No. 356/2007  
PS: Hauz Qazi

15.06.2020

Present: Sh. Rajesh Anand, Id counsel for accused  
Hitender @ Chhotu.

1. Accused Gopal Krishan Aggarwal, who is present in the connected case being heard together bearing SC no. 27762/2016 has prayed that the judgment may be delivered in the case. He submits that this court had deferred the passing of final judgment since some accused persons wanted to file a petition to have the case transferred to some other presiding officer but the transfer petition filed by the accused persons has been dismissed. He submits that subsequently the accused persons sought the deferring of passing of judgment on the ground that they are moving an application before the Hon'ble Supreme Court for extension of time, which also did not find favour with the Hon'ble Supreme Court and was




dismissed by order dated 18.3.2020. He submits that now no petition or application is pending and there is no impediment in passing of final judgment by the undersigned.

2. Ld counsel for the accused person, however, opposes the plea. He submits that the accused person has filed certain applications and those may be decided.
3. Ld counsel for accused person submits that this case is being taken up and heard together with other sessions cases arising out of the same FIR. He submits that the present accused was earlier being jointly tried with others but had been later declared proclaimed offender, due to which his trial had been subsequently separated for recall of witnesses who had been examined in his absence. He submits that this case is not in respect of the offence under Section 174A of IPC because trial of the accused for that offence has not commenced yet. He submits that trial of the present accused for offence under Section 174A of IPC will be held by the ld successor court after disposal of the present sessions case, which is confined only to offences under Sections 302 and 120B of IPC.

4. By order dated 5.6.2020 in case titled Vinod Kumar @ Gola vs. State CrI. M. C. No. 1491/2020, the Hon'ble High Court of Delhi has directed this court to conclude the judgment and to pronounce the same within three weeks from the date of passing of the said order provided no transfer petition filed by any of the accused is pending. Pursuant to the aforementioned order and the order passed by this court on the last date, information was sought from the Registry by letter dated 10.6.2020 on whether there has been any order of transfer of the case or of stay of proceedings, lying in its records, since no such order had been delivered in this court. Even pursuant to the letter no such order has been transmitted and therefore it would be safe to assume that there is no such direction of transfer or stay. As informed by accused Gopal Krishan Aggarwal, the petition filed by the accused persons for extension of time for passing the final judgment has been dismissed by the Hon'ble Supreme Court, which implies that the Hon'ble Supreme Court has also desired that judgment be passed by the undersigned expeditiously. The case is ripe for pronouncement of judgment.

*Debraj*

5. Put up for production of the accused person on 22.6.2020 at 2pm through videoconferencing, for which arrangements shall be made by the staff with the aid of videoconferencing team of the High Court.
6. In view of order dated 5.6.2020 passed by Hon'ble High Court of Delhi in case titled Vinod Kumar @ Gola vs. State Crl. M. C. No. 1491/2020, letters be written to Id Registrar General and Id. District and Sessions Judge for notifying the case in the cause list and on the website.

  
Ashish Aggarwal  
Joint Registrar (Judicial)  
15.06.2020

SC No.28550/2016  
State v. Desraj @ Desu  
FIR No. 356/2007  
PS: Hauz Qazi

15.06.2020

Present: Sh. Rajesh Anand, Id counsel for accused Desraj @ Desu.

1. Accused Gopal Krishan Aggarwal, who is present in the connected case being heard together bearing SC no. 27762/2016 has prayed that the judgment may be delivered in the case. He submits that this court had deferred the passing of final judgment since some accused persons wanted to file a petition to have the case transferred to some other presiding officer but the transfer petition filed by the accused persons has been dismissed. He submits that subsequently the accused persons sought the deferring of passing of judgment on the ground that they are moving an application before the Hon'ble Supreme Court for extension of time, which also did not find favour with the Hon'ble Supreme Court and was

SC No. 28550/2016

Page 1 of 4

*Handwritten signature*

dismissed by order dated 18.3.2020. He submits that now no petition or application is pending and there is no impediment in passing of final judgment by the undersigned.


2. Ld counsel for the accused person, however, opposes the plea. He submits that the accused person has filed certain applications and those may be decided.
3. Ld counsel for accused person submits that this case is being taken up and heard together with other sessions cases arising out of the same FIR. He submits that the present accused was earlier being jointly tried with others but had been later declared proclaimed offender, due to which his trial had been subsequently separated for recall of witnesses who had been examined in his absence. He submits that this case is not in respect of the offence under Section 174A of IPC because trial of the accused for that offence has not commenced yet. He submits that trial of the present accused for offence under Section 174A of IPC will be held by the Id successor court after disposal of the present sessions case, which is confined only to offences under Sections 302 and 120B of IPC.

4. By order dated 5.6.2020 in case titled Vinod Kumar @ Gola vs. State CrI. M. C. No. 1491/2020, the Hon'ble High Court of Delhi has directed this court to conclude the judgment and to pronounce the same within three weeks from the date of passing of the said order provided no transfer petition filed by any of the accused is pending. Pursuant to the aforementioned order and the order passed by this court on the last date, information was sought from the Registry by letter dated 10.6.2020 on whether there has been any order of transfer of the case or of stay of proceedings, lying in its records, since no such order had been delivered in this court. Even pursuant to the letter no such order has been transmitted and therefore it would be safe to assume that there is no such direction of transfer or stay. As informed by accused Gopal Krishan Aggarwal, the petition filed by the accused persons for extension of time for passing the final judgment has been dismissed by the Hon'ble Supreme Court, which implies that the Hon'ble Supreme Court has also desired that judgment be passed by the undersigned expeditiously. The case is ripe for pronouncement of judgment.





5. Put up for production of the accused person on 22.6.2020 at 2pm through videoconferencing, for which arrangements shall be made by the staff with the aid of videoconferencing team of the High Court.
6. In view of order dated 5.6.2020 passed by Hon'ble High Court of Delhi in case titled Vinod Kumar @ Gola vs. State Crl. M. C. No. 1491/2020, letters be written to Id Registrar General and Id. District and Sessions Judge for notifying the case in the cause list and on the website.

  
Ashish Aggarwal  
Joint Registrar (Judicial)  
15.06.2020