CNR No.DLCT01-008568-2021 SC No.209/2021 FIR No.34/2021 PS Hauz Qazi U/s 302/307/323/341/506/34 IPC & 27 Arms Act State Vs. Mohan Kumar & Ors.

25/08/2021

File taken up today on the bail application u/s. 439 Cr.PC of accused Khajanchhi Babu for grant of interim bail for the period of 30 days.

(Proceeding of the matter has been conducted physically in terms of circular No. 569/RG/DHC/2021 dated 19/08/2021 of the Hon'ble High Court of Delhi and circular No. 1150/46951-47141/DJ/(HQ)/Covid Lockdown/Physical Courts Roster/2021 dated 20/08/2021 of Ld. District & Sessions Judge (HQ), Tis Hazari Courts, Delhi)

Present: Ms. Sweta Verma, Ld. Substitute Addl. P.P. for the State.
IO/ Inspector Ravindra Singh is present.
Ms. Priyanka Singh, Ld. Counsel for the accused Khajanchhi Babu.
Reader and Assistant Ahlmad are on leave today.
Issue notice of the aforesaid interim bail application to the State. Addl. P.P. for the

State accepts the notice of aforesaid bail application of the accused.

Reply to the aforesaid interim bail application of the accused is filed by IO/ Inspector Ravindra Singh.

Issue notice to the concerned Jail Superintendent and Medical Officer In-charge to file appropriate report regarding medical condition/ illness/ treatment of the accused and as to whether immediate hospitalization of the accused is required or not and treatment for ailments/illness of the accused is available in Jail Hospital or not, on the next date of hearing.

At the request of counsel for the accused, the aforesaid bail application of the accused be put up for consideration on 28/08/2021. Date of 28/08/2021 is given at specific request and convenience of counsel for the accused.

IO is bound down for the next date of hearing i.e. 28/08/2021.

Order be uploaded on the website of the Delhi District Court.

(Vijay Shankar) ASJ-05, Central District Tis Hazari Courts, Delhi 25/08/2021(A)

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CNR No. DLCT01-004188-2021 SC No. 143/2021 FIR No.168/2020 PS Sarai Rohilla U/s 392/394/397/34 IPC & 25/27 Arms Act State Vs. Vicky @ Karan & Anr.

25/08/2021

File taken up today on bail application u/s 439 Cr.P.C. of accused Billey @ Ravi @ Bonet for grant of regular bail.

(Proceeding of the matter has been conducted physically in terms of circular No. 569/RG/DHC/2021 dated 19/08/2021 of the Hon'ble High Court of Delhi and circular No. 1150/46951-47141/DJ/(HQ)/Covid Lockdown/Physical Courts Roster/2021 dated 20/08/2021 of Ld. District & Sessions Judge (HQs), Tis Hazari Courts, Delhi)

Present: Ms. Sweta Verma, Ld. Substitute Addl. P.P. for the State.
IO/ASI Suman Prasad is present.
Sh. Kamlesh Kumar, Ld. Legal aid counsel for the accused Billey @ Ravi @ Bonet.

Reader and Assistant Ahlmad are on leave today.

It is submitted by the IO that on the last date of hearing, he could not join the proceedings through video conferencing due to connectivity issues and he shall be careful in future. Heard. IO is warned to be careful in future.

Further reply/status of all cases has been filed by the IO.

By way of present order, this Court shall disposed of bail application

u/s. 439 Cr.P.C. of the accused Billey @ Ravi @ Bonet.

Arguments heard on the aforesaid bail application of accused Billey @ Ravi @ Bonet. Perused the material available on record.

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During the course of arguments on the aforesaid bail application, it was submitted by counsel for the accused Billey @Ravi @ Bonet that the present bail application is the first regular bail application of the accused after filing of the charge-sheet. It was further submitted that there is no bail application is pending/decided by the Hon'ble Superior Courts. It was further submitted that the accused has been falsely implicated in the present case and there is no incriminating evidence against the accused and investigation in the present case has already been completed and the accused is no more required for the purpose of further investigation as charge-sheet has already been filed in the present case. It was further submitted that nothing incriminating has been recovered from the possession or at the instance of the accused. It was further submitted that as per MLC of the victim, the nature of injury is simple. It was further submitted that in view of the present Covid-19 pandemic situation, the trial will take considerable time. It was further submitted that accused is the sole bread earned of his family and the family members of the accused are completely dependent upon the accused for their day to day basic needs. It was further submitted that accused is in J/C since 15/05/2020. It was further submitted that bail be granted to accused and accused shall be abide by all terms and conditions imposed by the court.

During the course of arguments, it was submitted by Substitute Addl. P.P. for the State that the allegations against the accused are serious in nature and accused can abscond, if the bail is granted to the accused. It was further submitted that the accused persons robbed the victims and three victims sustained simple injuries. It was further submitted that in the present case, charge is yet to be framed and complainant/public witnesses are yet to be examined and if the bail is granted to the accused, he can influence, threaten or pressurize the witness. It was further submitted that accused is a habitual offender and he has been previously involved in

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23 other cases of different nature. It was further submitted that accused has already been convicted in 11 cases. It was further submitted that there is sufficient incriminating material against the accused and bail application of accused Billey @ Ravi @ Bonet be dismissed.

It was held by the Hon'ble Supreme Court of India in case titled as "Virupakshappa Gouda and Anr. Vs. State of Karnataka and Anr." {(2017) 5 SCC 406} that :

> "15. The court has to keep in mind what has been stated in Chaman Lal v. State of U.P. The requisite factors are: (i) the nature of accusation and the severity of punishment in case of conviction and the nature of supporting evidence; (ii) reasonable apprehension of tampering with the witness or apprehension of threat to the complainant; and (iii) prima facie satisfaction of the court in support of the charge. In Prasanta Kumar Sarkar v. Ashis Chatterjee, it has been opined that while exercising the power for grant of bail, the court has to keep in mind certain circumstances and factors. We may usefully reproduce the said passage:

"9....among other circumstances, the factors which are to be borne in mind while considering an application for bail are: (i) whether there is any prima facie or reasonable ground to be

believe that the accused had committed the offence.

(ii) nature and gravity of the accusation;

(iii) severity of the punishment in the event of conviction;

(iv) danger of the accused absconding or fleeing, if released on

(v)character, behaviour, means, position and standing of the accused:

(vi) likelihood of the offence being repeated;

(vii)reasonable apprehension of the witnesses being influenced;

(viii) danger, of course, of justice being thwarted by grant of bail." Ó

16. In CBI v. V. Vijay Sai Reddy, the Court had reiterated the principle by observing thus:-" 34. While granting bail, the court has to keep in mind the nature of accusation, the nature of evidence in support thereof, the severity of the punishment which conviction will entail, the character of the accused, circumstances which are peculiar to the accused, reasonable possibility of securing the presence of the accused at the trial, reasonable apprehension of the witnesses being tampered with, the larger interests of the public/State and other similar considerations. It has also to be kept in mind that for the purpose of granting bail, the legislature has used the words "reasonable grounds for believing" instead of "the evidence" which means the court dealing with the grant of bail can only satisfy itself as to whether there is a genuine case against the accused and that the prosecution will be able to produce prima facie evidence in support of the charge. It is not expected, at this stage, to have the evidence establishing the guilt of the accused beyond reasonable doubt."

17. From the aforesaid principles, it is quite clear that an order of bail cannot be granted in an arbitrary or fanciful manner. In this context, we may, with profit, reproduce a passage from Neeru Yadav v. State of U.P., wherein the Court setting aside an order granting bail observed:

"16. The issue that is presented before us is whether this Court can annul the order passed by the High Court and curtail the liberty of the second respondent? We are not oblivious of the fact that the liberty is a priceless treasure for a human being. It is founded on the bedrock of constitutional right and accentuated further on human rights principle. It is basically a natural right. In fact, some regard it as the grammar of life. No one would like to lose his liberty or barter it for all the wealth of the world. People from centuries have fought for liberty, for absence of liberty causes sense of emptiness. The sanctity of liberty is the fulcrum of any civilized society. It is a cardinal value on which the civilisation rests. It cannot be allowed to be paralysed and immobilized. Deprivation of liberty of a person has enormous impact on his mind as well as body. A democratic body polity which is wedded to rule of law, anxiously guards liberty. But, a pregnant and significant

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one, 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 collective and to the societal order. Accent on individual liberty cannot be pyramided to that extent which would bring chaos and anarchy to a society. A society expects responsibility and accountability from its members, and it desires that the citizens should obey the law, respecting it as a cherished social norm. No individual can make an attempt to create a concavity in the stem of social stream. It is impermissible. Therefore, when an individual behaves in a disharmonious manner ushering in disorderly things which the society disapproves, the legal consequences are bound to follow. At that stage, the Court has a duty. It cannot abandon its sacrosanct obligation and pass an order at its own whim or caprice. It has to be guided by the established parameters of law."

It was held by the Hon'ble Supreme Court of India in case titled as **"Kalyan Chandra Sarkar Vs. Rajesh Ranjan @ Pappu Yadav and Anr."** {2004 Cri. L.J. 1796 (1)} that :

> "11. The law in regard to grant or refusal of bail is very well settled. The Court granting bail should exercise its discretion in a judicious manner and not as a matter of course. Though at the stage of granting bail a detailed examination of evidence and elaborate documentation of the merit of the case need not be undertaken, there is a need to indicate in such orders reasons for prima facie concluding why bail was being granted particularly where the accused is charged of having committed a serious offence. Any order devoid of such reasons would suffer from non-application of mind. It is also necessary for the Court granting bail to consider among other circumstances, the following factors also before granting bail; they are, (a) The nature of accusation and the severity of punishment in case of conviction and the nature of supporting evidence;

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(b) Reasonable apprehension of tampering of the witness or apprehension of threat to the complainant;
 (c) Prima facily with a second seco

(c) Prima facie satisfaction of the Court in support of the charge.

12. In regard to cases where earlier bail applications have been rejected there is a further onus on the Court to consider the subsequent application for grant of bail by noticing the grounds on which earlier bail applications have been rejected and after such consideration if the Court is of the opinion that bail has to be granted then the said Court will have to give specific reasons why in spite of such earlier rejection the subsequent application for bail should be granted.

14. In such cases, in our opinion, the mere fact that the accused has undergone certain period of incarceration (three years in this case) by itself would not entitle the accused to being enlarged on bail, nor the fact that the trial is not likely to be concluded in the near future either by itself or coupled with the period of incarceration would be sufficient for enlarging the appellant on bail when the gravity of the offence alleged is severe and there are allegations of tampering with the witnesses by the accused during the period he was on bail.

20. Before concluding, we must note though an accused has a right to make successive applications for grant of bail the Court entertaining such subsequent bail applications has a duty to consider the reasons and grounds on which the earlier bail applications were rejected. In such cases, the Court also has a duty to record what are the fresh grounds which persuade it to take a view different from the one taken in the earlier applications......."

It was held by the Hon'ble Supreme Court of India in case titled as "Satish Jaggi Vs. State of Chhatisgarh and Ors." {AIR 2007 SC (Supp) 256} that :

> "5. It is well settled law that in granting or non-granting of bail in non-bailable offence, the primary consideration is the nature and gravity of the offence......

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12.At the stage of granting of bail, the court can only go into the question of the prima-facie case established for granting bail. It cannot go into the question of credibility and reliability of the witnesses put up by the prosecution. The question of credibility and reliability of prosecution witnesses can only be tested during the trial."

It was held by the Hon'ble Supreme Court of India in case titled as

"Gurucharan Singh & Others Vs. State" {AIR 1978 SC 179 (1)} that :

"29. We may repeat the two paramount considerations, viz likelihood of the accused fleeing from justice and his tampering with prosecution evidence relate to ensuring a fair trial of the case in a court of justice. It is essential that due and proper weight should be bestowed on these two factors apart from others. There cannot be an inexorable formula in the matter of granting bail. The facts and circumstances of each case will govern the exercise of judicial discretion in granting or cancelling bail."

In the present case, charge-sheet has been filed for the offences u/s. 392/394/397/34 IPC & 25/27 Arms Act.

In the present case, charge is yet to be framed and complainant/public witnesses are yet to be examined. If the accused is released on bail, there is possibility that accused may tamper with the evidence and influence the witnesses. Accused is stated to be habitual offender and stated to be previously involved in 23 other criminal cases of different nature. Accused is stated to be convicted in 11 cases.

The contentions of accused for the accused Billey @Ravi @ Bonet that the accused has been falsely implicated in the present case and there is no incriminating evidence against him is not tenable at this stage as it is well settled law that at the stage of considering bail, it would not be proper for the Court to 2500

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express any opinion on the merits or demerits of the prosecution case as well as defence.

Keeping in view the facts and circumstances of the case, gravity of offence and nature of serious allegations levelled against the accused, this Court is of the considered opinion that no ground for regular bail of the accused Billey @ Ravi @ Bonet is made out. Accordingly, the present application for regular bail of the accused Billey @ Ravi @ Bonet is dismissed.

A copy of this order be sent to the concerned Jail Superintendent through E-mail for information. Order be uploaded on the website of the Delhi District Court. Counsel for the accused is at liberty to collect the copy of present order through electronic mode.

> (Vijay Shankar) ASJ-05, Central District Tis Hazari Courts, Delhi 25/08/2021(A)

CNR No.DLCT01-008288-2019 SC No.12/2021 FIR No.59/2019 PS Burari U/s 302/365/34 IPC State Vs. Ajay Kumar & Ors.

25/08/2021

File taken up today on the application of the accused Arvind Kumar Singh for preponement and early hearing of the aforesaid matter.

(Proceeding of the matter has been conducted physically in terms of circular No. 569/RG/DHC/2021 dated 19/08/2021 of the Hon'ble High Court of Delhi and circular No.1150/46951-47141/DJ/ (HQ)/ Covid Lockdown/ Physical Courts Roster/2021 dated 20/08/2021 of the Ld. District & Sessions Judge (HQ), Tis Hazari Courts, Delhi.)

Present: Ms. Sweta Verma, Ld. Substitute Addl. P.P. for the State.

Accused Arvind Kumar Singh is present.

Reader and Assistant Ahlmad are on leave today.

It is submitted by the accused Arvind Kumar Singh that earlier, the present matter was fixed for 20/08/2021 and in terms of circular No.287/I-G-4/Genl-I/DHC dated 16/08/2021 of the Hon'ble High Court of Delhi, 20/08/2021 was declared holiday and the matters listed for 20/08/2021 were directed to be taken up on 09/10/2021. It is further submitted that vide order dated 11/08/2021, it was directed by the Hon'ble High Court of Delhi that the two material witnesses namely Arun @ Ballu (PW-1) and Hemant (PW-2) be examined at the earliest and the next date of hearing before the Hon'ble High Court of Delhi is 02/09/2021. Copy of the aforesaid order has been filed by the accused Arvind Kumar Singh. As informed by the Ahlmad of this Court, the aforesaid order dated 11/08/2021 is not received from the Hon'ble High Court of Delhi.

and the aforesaid two witnesses be summoned. It is further submitted that accused Ajay is in J/C and remaining accused are on interim bail and he will inform the the next date of hearing and purpose to remaining accused as well as to all counsels.

Heard. Perused. Considering the facts, circumstances and in view of the submissions made, the aforesaid application of the accused Arvind Kumar Singh for preponement is allowed. Date already fixed i.e. 09/10/2201 stands cancelled.

Put up the matter for PE on 31/08/2021.

PWs Arun @ Ballu and Hemant be summoned, for the next date of hearing.

Issue court notice to the remaining accused persons and their counsels, for the next date of hearing.

Issue production warrants against the accused, who is/are in J/C, if any, for the next date of hearing.

Order be uploaded on the website of the Delhi District Court.

Ì (Vijay Shankar) 🎾 ASJ-05, Central District Tis Hazari Courts, Delhi 25/08/2021(G)

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SC No.39/2015 FIR No.20/2015 PS Kamla Market State Vs. Tehsin @ Kevda & Ors.

25/08/2021

File taken up today on the regular bail applications u/s. 439 Cr.PC of accused Nadeem @ Mona, Ahetesham @ Rehan and Adil @ Shahzada.

(Proceeding of the matter has been conducted physically in terms of circular No. 569/RG/DHC/2021 dated 19/08/2021 of the Hon'ble High Court of Delhi and circular No.1150/46951-47141/DJ/ (HQ)/ Covid Lockdown/ Physical Courts Roster/2021 dated 20/08/2021 of the Ld. District & Sessions Judge (HQ), Tis Hazari Courts, Delhi.)

Present: Ms. Sweta Verma, Ld. Substitute Addl. P.P. for the State.
Mr. Waiz Islam, Ld. Counsel for the accused Nadeem @ Mona.
Sh. Hukum Chand, Ld. Legal Aid Counsel for the accused Ahetesham @ Rehan.
Mr. Asghar Khan, Ld. Counsel for the accused Adil @ Shahzada.

Reader and Assistant Ahlmad are on leave today.

Part arguments heard at length on the aforesaid regular bail applications of the aforesaid accused.

Counsel for the aforesaid accused seek time for clarifications. Heard. Request is allowed.

At the request of counsel for the aforesaid accused, the aforesaid bail applications of the aforesaid accused be put up for clarifications/ further arguments on 02/09/2021. Date of 02/09/2021 is given at specific request and convenience of counsel for the aforesaid accused.

Order be uploaded on the website of the Delhi District Court.

(Vijay Shankar) ASJ-05, Central District Tis Hazari Courts, Delhi 25/08/2021(G) B

SC No.74/2021 FIR No.34/2014 PS Prasad Nagar U/s 302/394/411 IPC State Vs. Deepak Kumar

25/08/2021

File taken up today on the application u/s 439 Cr.P.C of accused Deepak Kumar for extension of interim bail as per HPC guidelines.

(Proceeding of the matter has been conducted physically in terms of circular No. 569/RG/DHC/2021 dated 19/08/2021 of the Hon'ble High Court of Delhi and circular No. 1150/46951-47141/DJ/(HQ)/Covid Lockdown/Physical Courts Roster/2021 dated 20/08/2021 of Ld. District & Sessions Judge (HQs), Tis Hazari Courts, Delhi)

Present: Ms. Sweta Verma, Ld. Substitute Addl. P.P. for the State. None appeared on behalf of accused Deepak Kumar since morning despite repeated calls.

Reader and Assistant Ahlmad are on leave today.

In the interest of justice, I am not passing any adverse order on account of non-appearance of counsel for the accused. Last opportunity is granted to counsel for the accused for appearance on the next date of hearing.

The aforesaid application of the accused be put up for consideration on

03/09/2021.

Order be uploaded on the website of the Delhi District Court.

(Vijay Shankar) ASJ-05, Centràl District Tis Hazari Courts, Delhi 25/08/2021(A) SC No.67/2021 FIR No.87/2018 PS Gulabi Bagh U/s 308/323/341/34 IPC State Vs. Sunder

25/08/2021

File taken up today on the application of accused Sunder for issuing directions to the Jail Superintendent, Tihar Jail, Delhi to submit report as to why the accused has not been released from the jail.

(Proceeding of the matter has been conducted physically in terms of circular No. 569/RG/DHC/2021 dated 19/08/2021 of the Hon'ble High Court of Delhi and circular No. 1150/46951-47141/DJ/(HQ)/Covid Lockdown/Physical Courts Roster/2021 dated 20/08/2021 of Ld. District & Sessions Judge (HQs), Tis Hazari Courts, Delhi)

Present: Ms. Sweta Verma, Ld. Substitute Addl. P.P. for the State.Accused Sunder is present with Sh. Pushkar Kumar, Ld. proxy counsel for counsel for the accused

Reader and Assistant Ahlmad are on leave today.

It is submitted by the proxy counsel for counsel for the accused that main counsel is not available today as he is out of station and accused will withdraw the present application on the next date of hearing.

At request of proxy counsel for counsel for the accused, the aforesaid application be put up for consideration on <u>13/09/2021</u>. Date of 13/09/2021 is given at specific request and convenience of proxy counsel for counsel for the accused.

Order be uploaded on the website of the Delhi District Court.

Vijay Shankar) ASJ-05, Central District Tis Hazari Courts, Delhi 25/08/2021(A) SC.



CNR No.DLCT01-001840-2014 SC No.100/2021 FIR No.601/2014 PS Sarai Rohilla State Vs. Veer Singh & Anr.

25/08/2021

File taken up today on the bail application u/s. 439 Cr.PC of accused Veer Singh for grant of regular bail.

(Proceeding of the matter has been conducted physically in terms of circular No. 569/RG/DHC/2021 dated 19/08/2021 of the Hon'ble High Court of Delhi and circular No. 1150/46951-47141/DJ/(HQ)/Covid Lockdown/Physical Courts Roster/2021 dated 20/08/2021 of Ld. District & Sessions Judge (HQs), Tis Hazari Courts, Delhi)

Present: Ms. Sweta Verma, Ld. Substitute Addl. P.P. for the State.SI Nikhil Malik is present.Sh. Sudhir Siwas, Ld. Counsel for the accused Veer Singh.

Reader and Assistant Ahlmad are on leave today.

It is submitted by counsel for the accused that accused Veer Singh is on interim bail as per HPC guidelines.

Issue fresh notice to all the IOs for the next date of hearing.

At the request of counsel for the accused, the aforesaid bail application of

the accused Veer Singh put up for consideration on <u>07/09/2021</u>. Date of 07/09/2021 is given at specific request and convenience of counsel for the accused.

SI Nikhil Malik is bound down for the next date of hearing.

(Vijay Shankar) ASJ-05, Central District Tis Hazari Courts, Delhi 25/08/2021(A)

SC No. 187/2021 FIR No. 293/2020 PS Prasad Nagar U/s 307/452/34 IPC State Vs. Vinod @ Bada & Ors.

25/08/2021

File taken up today on the application u/s. 439 Cr.PC of accused Dav Shree @ Chhotey for surrender-cum-regular bail.

(Proceeding of the matter has been conducted physically in terms of circular No. 569/RG/DHC/2021 dated 19/08/2021 of the Hon'ble High Court of Delhi and circular No. 1150/46951-47141/DJ/(HQ)/Covid Lockdown/Physical Courts Roster/2021 dated 20/08/2021 of Ld. District & Sessions Judge (HQs), Tis Hazari Courts, Delhi)

Present: Ms. Sweta Verma, Ld. Substitute Addl. P.P. for the State (through V.C.).

Sh. Pawan Kumar, Ld. Counsel for the accused Dav Shree @ Chhotey.

Reader and Assistant Ahlmad are on leave today.

It is submitted by counsel for the accused Dav Shree @ Chhotey that he may be permitted to withdraw the present application of the accused with liberty to file fresh application of the accused. Heard. Request is allowed.

At the request of counsel for the accused, the present application of the accused Dav Shree @ Chhotey is dismissed as withdrawn. Accused is at liberty to file fresh application subject to just exceptions.

Order be uploaded on the website of the Delhi District Court.

(Vijay Shankar) ASJ-05, Central District Tis Hazari Courts, Delhi 25/08/2021(A)

SC No.76/2021 FIR No.139/2011 PS I.P. Estate State Vs. Anadil Hassan & Ors.

25/08/2021

(Proceeding of the matter has been conducted physically in terms of circular No. 569/RG/DHC/2021 dated 19/08/2021 of the Hon'ble High Court of Delhi and circular No. 1150/46951-47141/DJ/(HQ)/Covid Lockdown/Physical Courts Roster/2021 dated 20/08/2021 of Ld. District & Sessions Judge (HQs), Tis Hazari Courts, Delhi)

Present: Ms. Sweta Verma, Ld. Substitute Addl. P.P. for the State

Accused Anadil Hassan, Raju Lal Jat, Mohd. Javed, Mukesh Kumar, Firoz

Alam and Mehboob Alam are present.

Ms. Heena, Ld. proxy Counsel for counsel for the accused Anadil, Javed and Mehboob Alam.

Reader and Assistant Ahlmad are on leave today.

It is submitted that main counsels are not available today.

At joint request, put up the matter for final arguments on 18/09/2021. Date of

18/09/2021 is given at specific request and convenience of all accused.

Order be uploaded on the website of the Delhi District Court.

(Vijay Shankar) ASJ-05, Central District Tis Hazari Courts, Delhi 25/08/2021(A)