

IN THE COURT OF ACMM-EAST KKD DELHI
FIR No. 14548/2020
PS New Ashok Nagar
State Vs. Jasvir Singh
11.09.2020

Fresh charge-sheet u/s 173 Cr.P.C. is filed. It be checked and registered.

Present: Ld. APP for the State through VC.

Accused is stated to be in JC.

IO HC Kunwar Pal in person.

I have perused the charge-sheet and material available on record. There is sufficient material on record to prima facie show commission of offence /s mentioned in the final report.

Accordingly, I take cognizance of the offence/s.

Notice be sent to the Jail Superintendent concerned to produce the accused through VC in this Court on 23.09.2020 at 2.00 p.m.

(DINESH KUMAR)
ACMM (EAST)/KKD/11.09.2020
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IN THE COURT OF ACMM-EAST KKD DELHI
FIR No: 178/2017
PS EOW
State Vs Anil Mittal
11.09.2020

Application for surrender u/s 267 Cr.P.C. has been taken up through VC.

Present: Ld. APP for the State through VC.
Sh. Aditya Jain, ld. Counsel for applicant/accused
Anil Mittal through VC.

Reply is received from Jail Superintendent Central Jail no.11, Mandoli Jail Delhi. He has sought some time to file a detailed reply. The reply be filed on or before NDOH.

Matter be listed on 14.09.2020 at 2.00 pm.

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(DINESH KUMAR)
ACMM (EAST)/KKD/11.09.2020

IN THE COURT OF ACMM-EAST KKD DELHI

CC No: 4657/2019

Bharat Singh Rawat Vs. Poonam Singh Rawat @ Poonam Wadhwa

11.09.2020

The present matter has been taken up today through VC according to the office order no. 417/RG/DHC/2020 dated the Delhi, 27.08.2020, issued by Hon'ble High Court of Delhi and Order No. 5576-94/JUDL.BR. /East/KKD/Delhi dated 29.08.2020 issued by Ld. Distt & Sessions Judge East KKD Courts, Delhi.

Present: Complainant Bharat Singh Rawat has joined the proceedings through VC.

ASI Satyapal from PS Pandav Nagar through VC.

HC Manoj from PS Preet Vihar through VC.

One reply to be received from PS Pandav Nagar. It has been stated that the matter pertains to jurisdiction of PS Laxmi Nagar and therefore they are transferring the complaint to PS Laxmi Nagar.

File perused.

As per the allegations made by the complainant, alleged Poonam Wadhwa had furnished false affidavit in the office of SDM, Deputy Commissioner East and obtained a certificate of OBC community even though she did not belong to the said community. The said office of DCP East falls within the jurisdiction of PS Laxmi Nagar. Even though the certificate is shown to have been issued by the SDM having jurisdiction over

the area of Preet Vihar, however, the place where the document was submitted by the alleged person and where the office of the SDM is situated is within the jurisdiction of PS Laxmi Nagar. The jurisdiction in a case is to be decided on the basis of place where the offence was committed and not on the basis of fact as to on which area the officer was having jurisdiction. Thus, if any false document is filed by a party in any Court in KKD Court Complex, the jurisdiction shall be of the PS having jurisdiction over the KKD Court Complex and not of the Court in which the said false document was filed. Therefore, the SHO PS Laxmi Nagar had wrongly transferred the complaint of the complainant to PS Preet Vihar.

In these circumstances, it is shown that the application U/s 156(3) Cr.P.C. filed by the complainant has to be decided by Ld. MM having jurisdiction over PS Laxmi Nagar. The present file be therefore sent to the Court of Ms. Aakansha Vyas, Ld MM East KKD having jurisdiction over PS Laxmi Nagar.

The complainant shall join the proceedings in the Court of Ld. MM on 22.09.2020.

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(DINESH KUMAR)
ACMM (EAST)/KKD/11.09.2020

IN THE COURT OF ACMM-EAST KKD DELHI
FIR No: 0169/2020
PS Preet Vihar
State Vs Unknown
11.09.2020

Application for releasing of mobile on superdari moved by the applicant Ms. Shilpi Ojha.

Present: Ld. APP for the State through VC.
Sh. Atul Kumar, Id. Counsel for applicant through VC.
HC Manoj from PS Preet Vihar through VC.
Reply is received from the IO.
Submission heard. Reply perused.

In view of the judgement of Hon'ble High Court of Delhi in the case of **Manjeet Singh Vs. State Crl. M.C. 4485/2013 and Crl. M.A. No. 16055/2013**, the above said mobile be released to the applicant on superdari on furnishing indemnity bond in the sum of Rs.10,000/- to the satisfaction of the IO. The superdar shall produce the mobile phone in court during trial if required.

The SHO/IO is further directed to ascertain and satisfy himself about the ownership of the mobile in question and also to take the photographs of the case property alongwith the negatives duly authenticated and certified and a detailed punchanama be also prepared of the property before such release. It is also directed that the investigating officer shall keep on record the permanent address of the applicant, his/her identity

proof, his/her address proof as well as his/her phone number.

Photographs shall be placed on record alongwith the Negative/CD. If the photographs are taken from digital camera, there is no need to place negatives on record.

Application is disposed of accordingly.

Copy be sent to the applicant on his E-mail and order be uploaded on the server.

Applicant is directed to file the original application along with documents in the court within 2 days from today.

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(DINESH KUMAR)
ACMM (EAST)/KKD/11.09.2020

IN THE COURT OF ACMM-EAST KKD DELHI
FIR No: 111/2020
PS Preet Vihar
State Vs Himanshu & Ors
11.09.2020

Fresh charge-sheet is received from the Court of Ms. Harshita Mishra Ld. Duty MM. It be checked and registered.

Present: Ld. APP for the State through VC.

Accused Himanshu is stated to be in JC while accused Kesav @ Golu and Rajiv @ Sonu are on interim bail.

Accused Lalit Kumar @ Aakash Kumar is on anticipatory bail.

Accused Chetan is absconder.

I have perused the charge-sheet and material available on record. Accordingly, I take cognizance of the offences. There is sufficient ground to proceed against the accused persons.

At present summons are not issued from the office due to covid-19 pandemic.

Be listed on 25.09.2020.

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(DINESH KUMAR)
ACMM (EAST)/KKD/11.09.2020

IN THE COURT OF ACMM-EAST KKD DELHI
FIR No: 651/2020 (correct FIR NO. 451/2020)
PS Mayur Vihar
State Vs Parveen
11.09.2020

Application is received from the Court of Sh. Balwinder Singh, Ld. MM-01 East KKD Delhi.

Present: Ld. APP for the State through VC.

At this stage ld. Counsel for the applicant has informed that inadvertently wrong FIR number is mentioned on the application. The correct FIR Number is 451/2020 PS Mayur Vihar.

Ct. Arun, Naib Court from PS Mayur Vihar has informed that FIR no. 451/2020 in which the present application is moved is of PS Mayur Vihar. In these circumstances, the record alongwith the application be sent to the Court of Ld. MM-01 East for disposal as per law.

Ld. Counsel shall join the proceedings through VC in the Court of Ld. MM -01 East at 2.00 pm.

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(DINESH KUMAR)
ACMM (EAST)/KKD/11.09.2020

IN THE COURT OF ACMM-EAST KKD DELHI
e-FIR No: 045162/2019
PS Preet Vihar
State Vs Unknown
11.09.2020

Application for releasing vehicle bearing Registration No. DL 13 SW 0776 on superdari moved by the applicant Sh. Vikram. Application is received on the email ID of the Court.

Present: Ld. APP for the State through VC.
Applicant Sh. Vikram through VC.
HC Manoj from PS Preet Vihar through VC.
Reply is received from the IO.
Proceedings are conducted through VC.
Submission heard. Reply perused.

In view of the judgement of Hon'ble High Court of Delhi in the case of Manjeet Singh Vs. State CrI. M.C. 4485/2013 and CrI. M.A. No. 16055/2013, the above said vehicle be released to the applicant on superdari on furnishing indemnity bond in the sum of Rs. 50,000/- (Rs. Fifty thousand only) to the satisfaction of the IO. The superdar shall produce the vehicle in court during trial if required. The SHO/IO is further directed to ascertain and satisfy himself about the ownership of the vehicle in question and also to take the photographs of the case property alongwith the negatives duly authenticated and certified and a detailed panchanama be also prepared of the property before such release. It is also directed that the investigating officer shall keep on record the permanent address of the applicant, his/her identity

proof, his/her address proof as well as his/her phone number. It is further directed that the applicant shall join the investigation/trial as and when directed to do so and will also undertake that he/she will intimate to the court and address which he/she may change during the course of time. Photographs shall be placed on record alongwith the Negative/CD. If the photographs are taken from digital camera, there is no need to place negatives on record. The documents of the vehicle which are found genuine during investigation be also released to the rightful claimant. Application is disposed off accordingly.

Copy be sent to the applicant on his E-mail and order be uploaded on the server.

Applicant is directed to file the original application along with documents in the court within 2 days from today.

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(DINESH KUMAR)
ACMM (EAST)/KKD/11.09.2020

IN THE COURT OF ACMM-EAST KKD DELHI

**FIR No: 391/2020
PS New Ashok Nagar
State Vs Deepak
U/s 356/379/411 IPC
11.09.2020**

A bail application under Section 437 Cr.P.C. through VC moved by advocate Sh. Udai Pal Chaudhary on behalf of the Accused.

Application is received on the email ID of the Court.

Present: Ld. APP for the State through VC.
Sh. Udaipal Chaudhary, ld. Counsel for accused/
applicant.
HC R.B. Tomar from PS New Ashok Nagar through VC.
Reply is received from the IO.

The proceedings are conducted through VC.

It has been argued by Ld. Counsel for accused/applicant that the applicant/accused is an innocent person. He has been falsely implicated. Nothing was recovered from his possession. Alleged recovery has been planted upon him by the police officials. The accused is not a previous convict. No purpose would be served by keeping him behind the bars. The accused/ applicant is ready to furnish reliable and sound surety to the satisfaction of the Court. He undertakes not to temper with the evidence or jump the bail if the bail is granted by this Court. Hence, it is prayed that the accused/applicant may be granted bail.

Learned APP has opposed the application. It has been argued that allegations against the accused are serious in nature. He might run away if he is released on bail. He might influence the witnesses. He might indulge in similar offences, if he is released on bail. The accused has a criminal record. Hence, it is prayed that application

may be dismissed.

I have heard the rival submissions and perused the material available on record.

The allegations against the accused are that he had snatched a mobile phone from the complainant. The IO has also shown his previous involvement in various other cases of similar nature. In the given circumstances, I find merits in the submissions of Ld. APP. Considering the nature of offence, the circumstances of the case, and the previous criminal record of the accused, I am not inclined to grant bail to the accused at this stage. Hence, the bail application of accused is dismissed and disposed of accordingly.

Proceedings be sent to the record room.

Copy be sent to the ld. Defence counsel on his E-mail and order be uploaded on the server.

Ld. Counsel for the applicant is directed to file the original bail application along with documents in the court within 2 days from today.

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(DINESH KUMAR)
ACMM (EAST)/KKD/11.09.2020

IN THE COURT OF ACMM-EAST KKD DELHI
FIR No. 164/2016
PS Preet Vihar
State Vs. Mohd. Ismail
11.09.2020

Fresh charge-sheet u/s 173 Cr.P.C. is filed. It be checked and registered.

Present: Ld. APP for the State through VC.

IO SI Abodh Sharma in person.

Accused is declared PO during investigation.

File be consigned to record room with the directions that the matter shall be taken up again as and when the accused appears or he is produced before the Court.

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ACMM (EAST)/KKD/11.09.2020

IN THE COURT OF ACMM-EAST KKD DELHI

FIR No. 112/2020
PS Preet Vihar
State Vs.Karan
11.09.2020

Fresh charge-sheet u/s 173 Cr.P.C. is filed. It be checked and registered.

Present: Ld. APP for the State through VC.

Accused is stated to be in JC.

IO in person.

Perusal of the record would show that the accused was sent to JC on 12.06.2020. Since then he is in JC. The present FIR was registered for offences punishable u/s 379/356/34 IPC. The present charge-sheet has been filed for offences punishable u/s 379/356/411/324/34 IPC against the accused Karan. The IO has submitted that there was a JCL also involved in the incident. The PIR is stated to have been filed before JJB Concerned.

The offences alleged against the accused are of the nature for which the charge-sheet must have been filed within 60 days from the date of the JC of the accused. However the present charge-sheet has been filed after expiry of 60 days. The 60 days had expired on 11.08.2020. There is nothing on record to show that the accused was informed about his right of default bail u/s 167(2) Cr.P.C when the charge-sheet was not filed within 60 days. However as per law once the charge-sheet has been filed

and no application for default bail has been moved by the accused, the said right does not survive.

I take this opportunity to note a very disturbing feature. It is noticed that no application for extension of JC remand of the accused was ever moved by the IO. An application from the IO seeking extension further JC remand of an accused after every 14 days is required under the law till the final report is filed or the accused is enlarged on bail. The purpose of moving such an application inter-alia, is so that the Ld. MM extending the remand is aware of the investigation conducted by the IO so far and he can also know the reasons justifying the extension of JC remand. It is noted that at present the UTPs in JC are produced through VC and their JC remands are extended by ld. Duty MM of each district concerned. In the present case also the remand of the accused must have been extended in the same manner by the Ld. Duty MM on different occasions. It is noticed that the IOs are not moving applications seeking extension of JC remand of an accused in his case. Therefore, there is no mechanism before Ld. Duty MM to find out whether the UTP produced through VC is produced in a case pending investigation or pending trial. Therefore, a duty MM also does not have any mechanism to know that the charge-sheet in a particular case is filed by the IO within time or not. Hence such Duty MM is unable to inform the accused about his right of statutory bail u/s 167(2) Cr.P.C. in a case where such right has accrued because of non filing of the

charge-sheet by the IO within the time. Therefore there was no mechanism before Ld. Duty MM to know whether a right of default bail had accrued in favour of the the UTP u/s 167 (2) (a) (ii) Cr.P.C.

On inquiry the official posted at VC room KKD court complex has informed that in the list of UTPs received from the Jails for extension of JC remand of the UTPs on a particular day only the name of the accused, name of his father, name of PS and the sections in which the accused is in custody are mentioned. It is noted that the day when the accused was sent to JC is not mentioned in the list.

Copy of this order be sent to the DCP East and DCP Shahdara to prepare a mechanism whereby the IOs can move applications for extension of JC remands of UTPs in their cases. Personal physical appearance of the IO may be dispensed with, unless necessary to avoid the over crowding. It would also help the duty MMs to ensure that all the legal rights of the UTPs are protected.

All Jail Superintendents in Delhi shall also ensure that in future in the list sent to the Courts for extension of JC remands of the UTPs, also contains the date when the UTP was sent to JC by order of the Court.

Copy of this order be sent to sent to the DCPs concerned and to the Jail Superintendents for information and compliance.

The compliance report be filed in the Court on 17.09.2020. One police official not below the rank of ACP shall also join the proceedings through VC in this Court on 17.09.2020 at 2.00 p.m.

I have perused the charge-sheet and material available on record. Accordingly, I take cognizance of the offences. There is sufficient ground to proceed against the accused.

At present summons are not issued from the Court due to covid-19 Pandemic.

Matter be put up before the Court on 17.09.2020 at 2.00 pm.

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(DINESH KUMAR)
ACMM (EAST)/KKD/11.09.2020