

**In the court of Chief Metropolitan Magistrate
North East, Karkardooma Courts, Delhi.**

**FIR No. 134/20
PS Dayal Pur
State Vs. Not known**

22.01.2021

**In view of the Order No. 170-184/
Judl./N.E./KKD/Delhi/2021 dated 15.01.2021 issued
by Ld. District & Sessions Judge, North East,
Karkardooma Courts, the present matter has been
taken up through physical hearing today.**

**This is an application moved on behalf of
applicant seeking direction to the Regional Officer to
issue surrender-cum-RC certificate.**

**Present: Mr. Farooq Ahmed, Ld. Counsel for applicant.
Inspector Subodh Kumar from PS Dayal Pur.**

At request of ld. Counsel, be listed on 30.01.2021.

Order be uploaded on the server.

**(DINESH KUMAR)
CMM/NE/KKD/DELHI/22.01.2021**

**In the court of Chief Metropolitan Magistrate
North East, Karkardooma Courts, Delhi.**

**FIR No. 100/2020
PS Crime Branch
State Vs. Waseem**

22.01.2021

**In view of the Order No. 170-184/
Judl./N.E./KKD/Delhi/2021 dated 15.01.2021 issued
by Ld. District & Sessions Judge, North East,
Karkardooma Courts, the present matter has been
taken up through physical hearing today.**

**This is an application moved on behalf of
applicant for releasing the accused on personal bond.**

**Present: Ld. Substitute APP for State.
Ms. Afshan, Ld. Counsel for applicant.**

Heard on application.

**Vide order dated 23.10.2020, the accused was
granted bail by the court on furnishing bail bond in the
sum of Rs.20,000/- with one surety of like amount.
However, it is submitted by ld. Counsel that the accused
could not arrange the surety and therefore, he is still in
custody. Hence, it is prayed that the applicant/accused
may be directed to be released on furnishing personal
bond.**

-: 2 :-

Perusal of the record would show that the accused is shown to have been arrested on 01.08.2020. As per the prosecution case, one loaded country made pistol and two live cartridges were recovered from his possession. As per the police record, he is involved in various other criminal cases including offence of robbery, dacoity, theft, attempt to murder etc. In these circumstances, I am not inclined to release the accused on personal bond. The application is dismissed and disposed of accordingly.

Copy of order be given dasti.

Copy of order be also sent to Jail Superintendent concerned for information and necessary compliance.

Copy be also supplied to the accused in the Jail itself.

Original application be filed in the court within two days.

Order be uploaded on the server.

(DINESH KUMAR)
CMM/NE/KKD/DELHI/22.01.2021

**In the court of Chief Metropolitan Magistrate
North East, Karkardooma Courts, Delhi.**

FIR No. 134/2020

PS Crime Branch/Dayal Pur

State Vs. Faisal Farooq

22.01.2021

**In view of the Order No. 170-184/
Judl./N.E./KKD/Delhi/2021 dated 15.01.2021 issued
by Ld. District & Sessions Judge, North East,
Karkardooma Courts, the present matter has been
taken up through physical hearing today.**

**This is an application moved on behalf of
applicant for return of FDR.**

Present: None for State.

Mr. R.K. Kochar, Ld. Counsel for applicant.

**One reply is received from the Jail Superintendent
on the E-mail ID of the court. It is stated in the reply that
accused is in custody in case FIR No. 134/2020, PS Crime
Branch. In these circumstances, original FDR be released
to the rightful claimant as per rules.**

**Copy of order be given dasti. Original application be
filed in the court within two days. Order be uploaded on
the server.**

(DINESH KUMAR)

CMM/NE/KKD/DELHI/22.01.2021

**In the court of Chief Metropolitan Magistrate
North East, Karkardooma Courts, Delhi.**

**FIR No. 134/2020
PS Crime Branch
State Vs. Faisal Farooq**

22.01.2021

**In view of the Order No. 170-184/
Judl./N.E./KKD/Delhi/2021 dated 15.01.2021 issued
by Ld. District & Sessions Judge, North East,
Karkardooma Courts, the present matter has been
taken up through physical hearing today.**

**This is an application moved on behalf of
applicant for return of FDR.**

**Present: None for State.
Mr. R.K. Kochar, Ld. Counsel for applicant.**

**One reply is received from the Jail Superintendent
on the E-mail ID of the court. It is stated in the reply that
accused is in custody in case FIR No. 134/2020, PS Crime
Branch. In these circumstances, original passport be
released to the rightful claimant as per rules.**

**Copy of order be given dasti. Original application be
filed in the court within two days. Order be uploaded on
the server.**

**(DINESH KUMAR)
CMM/NE/KKD/DELHI/22.01.2021**

**In the court of Chief Metropolitan Magistrate
North East, Karkardooma Courts, Delhi.**

**FIR No. 241/2020
PS Khajuri Khas
State Vs. Mohd. Arif**

22.01.2021

**In view of the Order No. 170-184/
Judl./N.E./KKD/Delhi/2021 dated 15.01.2021 issued
by Ld. District & Sessions Judge, North East,
Karkardooma Courts, the present matter has been
taken up through physical hearing today.**

**This is an application moved on behalf of
applicant seeking transfer the case to CBI or DIU or
any other agency.**

**Present: Mr. Salim Malik, Ld. Counsel for complainant.
Complainant in person in court.**

**IO is absent. Issue BWs against the IO in the sum of
Rs.2,000/- returnable for next date of hearing.**

Be listed for arguments on 29.01.2021.

Order be uploaded on the server.

**(DINESH KUMAR)
CMM/NE/KKD/DELHI/22.01.2021**

**In the court of Chief Metropolitan Magistrate
North East, Karkardooma Courts, Delhi.**

FIR No. 87/2020

PS New Usman Pur

State Vs. Mohd. Mukarram

22.01.2021

**In view of the Order No. 170-184/
Judl./N.E./KKD/Delhi/2021 dated 15.01.2021 issued by
Ld. District & Sessions Judge, North East, Karkardooma
Courts, the present matter has been taken up through
physical hearing today.**

**This is an application moved on behalf of applicant
u/s. 207 Cr.P.C.**

**Present: Mr. Saleem Ahmed, Ld. SPP for State.
None for applicant.**

**One report is received from the IO to show that the copy
of charge sheet has already been supplied to accused
Mukarram through Jail Superintendent concerned. However,
perusal of the application would show that it has been moved
by accused Gulu @ Arshad Ali Zaidi. IO is directed to supply
the copy of charge sheet to applicant before next date of
hearing and to file compliance report on next date.**

Be listed on 01.02.2021.

Order be uploaded on the server.

**(DINESH KUMAR)
CMM/NE/KKD/DELHI/22.01.2021**

**In the court of Chief Metropolitan Magistrate
North East, Karkardooma Courts, Delhi.**

**FIR No. 101/2020
PS Khajuri Khas
State Vs. Umar Khalid**

22.01.2021

**In view of the Order No. 170-184/
Judl./N.E./KKD/Delhi/2021 dated 15.01.2021 issued
by Ld. District & Sessions Judge, North East,
Karkardooma Courts, the present matter has been
taken up through physical hearing today.**

**This is an application moved on behalf of
applicant/accused Umar Khalid u/s. 207 Cr.P.C.**

Present: None for State.
None for applicant.

The application has been moved by the applicant/accused for supplying the copy of charge sheet to him. The charge sheet has already been supplied to him.

In the present application, one of the grievance of accused Umar Khalid is that he has been prejudiced by the various reports published in various newspapers and shown on various news channels. It is stated in the application that a supplementary charge sheet qua accused Umar Khalid had been filed by the IO in the court on

26.12.2020. However, even before the copy of charge sheet was supplied to the accused, it was leaked to the Media. Various print and television media houses had cited purported segments of supplementary charge sheet to convey that accused Umar Khalid had admitted to having conspired to fuel the North-East Delhi riots of February, 2020 and to having involved children and women for organising *Chakka Jams*. All these reports, which were false and malicious have compromised the right of the accused to a fair trial. The accused had never made confession to any police official or any other authority. On 04.10.2020 when the accused was produced before Ld. Duty MM at Tihar Jail Complex for remand to judicial custody after expiry of his police custody, the applicant/accused had categorically stated before Ld. Duty MM that he had neither made nor signed any disclosure statement, confession or any document whatsoever during police custody. However, various media houses have tried to show that accused has confessed about his involvement in the crimes as mentioned hereinabove. Such reports are also in violation of the Fundamental Rights of the applicant/accused under Article 21 of the Constitution to a fair trial. The deliberate and unfair targetting of the applicant/accused by selectively quoting and misquoting

-: 3 :-

the parts of the charge sheet is aimed at damaging the reputation of the applicant/accused and destroying the presumption of the innocence of the applicant/accused unless proved guilty. Various photocopies of some news items are also attached along with the application to substantiate the contents of the application.

Ld. Counsel for applicant/accused would argue that the applicant/accused has a right to have a fair trial. However, a great prejudice might be caused to this right of the accused due to the false reports published in the newspaper and shown on News channels. The accused has never made any disclosure statement/confession to the police. However, a public opinion is tried to have been created to the effect that the accused has admitted his involvement in the riots. During the course of arguments, Ld. Counsel has also cited various paragraphs from the following judgments :-

1. **Devangna Kalita Vs. Delhi Police (WP [Crl.] No. 898/2020 dated 27.07.2020).**
2. **Sahil Parvez & Another Vs. Government of NCT of Delhi – (WP [Crl.] No. 1120/2020 dated 07.08.2020).**
3. **Dr. Naresh Kumar Mangla Vs. Smt. Anita Aggarwal & Others – 2020 SCC Online SC 1031.**

4. **Rajendran Chingaravelu Vs. R.K. Mishra, Additional Commissioner of Income Tax & Others (2010) 1 SCC 457.**
5. **Mr. Nilesh Navlakha & Others Vs. Union of India & Others in PIL (ST) 92252/2020 dated 18.01.2021.**

Ld. Counsel would submit that the applicant has not been praying for any specific relief by making these submissions. However, the Court may pass any appropriate directions to the media so that the right of the accused for a fair trial is not infringed by the media in future.

One reply has been received from the IO. It has been stated in the reply, inter alia, that the chargesheet was not leaked by the police to the media. No press release or media briefing had been done by Delhi Police at the time or after filing of the chargesheet.

Be that as it may, the grievance of the accused is that because of false news his right of fair trial has been

The press and news media is described as the Fourth Estate in a democratic society. It has been regarded as one of the sentinels guarding the existence of the society. The most important role of the media is its ability to mobilize

the thinking process of a large number of the population. However, there exists a risk of prejudice being caused if the press and media fail to do their duty with care and caution. One of such risk is that of 'Media Trial'. One of the basic principles of criminal jurisprudence is presumption of innocence. Hon'ble Supreme Court of India in *Anukul Chandra Pradhan v. Union of India; (1996) 6 SCC 354* has observed that the presumption is legal in nature. This should not be destroyed at the very threshold through the process of media trial. Protection of such presumption is essential for maintenance of the dignity of the courts and is one of the cardinal principles of the rule of law in a free democratic country.

In the present case, after filing of supplementary charge sheet against applicant/accused Umar Khalid, it is shown to have been reported by the Press and Media that accused Umar Khalid had admitted about his involvement in Delhi riots. The said statement news is shown to have been based on the alleged confessional statement/disclosure statement of applicant/accused. The applicant/accused has denied making of any of such statement. However, be that as it may, a confessional statement made to a police official is not admissible as evidence in law. The news reports have only highlighted

-: 6 :-

that accused Umar Khalid had confessed his involvement as above mentioned. However, none of the news item is shown to have made a clarification to its readers/viewers that such a statement, even if actually made, could not be used by the prosecution as evidence. A reporter should have such a basic knowledge of law as readers/viewers consider news item as true without verifying the facts. Further, general public might not be aware of the law as above mentioned. Therefore, it is duty of the Press and Media to inform and educate its readers and viewers about all the relevant facts and circumstances of a news item published or shown on the News channel. In one of the news items, the news starts with words “Radical Islamist and Anti Hindu Delhi Riots accused Umar Khalid....”. The said news item portrays the entire Delhi riots as Anti Hindu Riots. However, in fact this does not appear to be the case, as all the communities have felt the consequences of those riots. Such news item might show to the public at large that accused Umar Khalid had infact confessed/admitted his role in Delhi riots. However, it is the duty of the judicial system to decide a case on merits after trial.

Considering the fact that the applicant/accused has not made any specific prayer in the present application, I

-: 7 :-

hope that the reporters would use self regulations techniques while publishing or showing a news item related to a case pending investigation or trial so that no prejudice is caused to any accused or any other party. Self regulation is the best mode of regulation. As held by Hon'ble Supreme Court of India in **Sukhwant Singh Vs. State of Punjab – 2009 (7) SCC 559**, the reputation of a person is his valuable asset and is a facet of his right under Article 21 of the Constitution. Any act of the Media which might deprive the accused of his dignity would have an adverse effect on his rights guaranteed under the Constitution of India. Therefore, any news item should be published after verifying and clarifying all the facts related to the said news item.

The application is disposed of accordingly.

Original application be filed in the court within two days.

Order be uploaded on the server.

(DINESH KUMAR)
CMM/NE/KKD/DELHI/19.01.2021

**In the court of Chief Metropolitan Magistrate
North East, Karkardooma Courts, Delhi.**

FIR No.94/2020

PS New Usman Pur

State Vs. Badshah Khan

U/s. 307/324/147/148/149/120-B IPC

22.01.2021

**In view of the Order No. 170-184/
Judl./N.E./KKD/Delhi/2021 dated 15.01.2021 issued
by Ld. District & Sessions Judge, North East,
Karkardooma Courts, the present matter has been
taken up through physical hearing today.**

**This is an application moved on behalf of
applicant for surrender cum bail u/s. 437 Cr.P.C.**

Present: Mr. Saleem Ahmed, Ld. SPP for State.

IO is absent.

**Mr. Lalit Chand Sharma and Mr. Deepak
Kumar, Ld. Counsels for applicant.**

**IO is directed to appear in person on the next
date of hearing.**

Reply be also filed on the next date of hearing.

Be listed on 02.02.2021.

Order be uploaded on the server.

(DINESH KUMAR)

CMM/NE/KKD/DELHI/22.01.2021

**In the court of Chief Metropolitan Magistrate
North East, Karkardooma Courts, Delhi.**

FIR No.94/2020

PS New Usman Pur

State Vs. Imran Khan

U/s. 307/324/147/148/149/120-B IPC

22.01.2021

**In view of the Order No. 170-184/
Judl./N.E./KKD/Delhi/2021 dated 15.01.2021 issued
by Ld. District & Sessions Judge, North East,
Karkardooma Courts, the present matter has been
taken up through physical hearing today.**

**This is an application moved on behalf of
applicant for surrender cum bail u/s. 437 Cr.P.C.**

**Present: Mr. Saleem Ahmed, Ld. SPP for State.
IO is absent.
Mr. Lalit Chand Sharma and Mr. Deepak
Kumar, Ld. Counsels for applicant.**

**IO is directed to appear in person on the next
date of hearing.**

Reply be also filed on the next date of hearing.

Be listed on 02.02.2021.

Order be uploaded on the server.

**(DINESH KUMAR)
CMM/NE/KKD/DELHI/22.01.2021**

**In the court of Chief Metropolitan Magistrate
North East, Karkardooma Courts, Delhi.**

FIR No.94/2020

PS New Usman Pur

State Vs. Badshah Khan

U/s. 307/324/147/148/149/120-B IPC

22.01.2021

**In view of the Order No. 170-184/
Judl./N.E./KKD/Delhi/2021 dated 15.01.2021 issued
by Ld. District & Sessions Judge, North East,
Karkardooma Courts, the present matter has been
taken up through physical hearing today.**

**This is an application moved on behalf of
applicant for cancellation of proceedings u/s. 82
Cr.P.C.**

**Present: Mr. Saleem Ahmed, Ld. SPP for State.
IO is absent.
Mr. Lalit Chand Sharma and Mr. Deepak
Kumar, Ld. Counsels for applicant.**

**IO is directed to appear in person on the next
date of hearing.**

Be listed on 02.02.2021.

Order be uploaded on the server.

**(DINESH KUMAR)
CMM/NE/KKD/DELHI/22.01.2021**

**In the court of Chief Metropolitan Magistrate
North East, Karkardooma Courts, Delhi.**

FIR No.94/2020

PS New Usman Pur

State Vs. Imran Khan

U/s. 307/324/147/148/149/120-B IPC

22.01.2021

**In view of the Order No. 170-184/
Judl./N.E./KKD/Delhi/2021 dated 15.01.2021 issued
by Ld. District & Sessions Judge, North East,
Karkardooma Courts, the present matter has been
taken up through physical hearing today.**

**This is an application moved on behalf of
applicant for cancellation of proceedings u/s. 82
Cr.P.C.**

**Present: Mr. Saleem Ahmed, Ld. SPP for State.
IO is absent.
Mr. Lalit Chand Sharma and Mr. Deepak
Kumar, Ld. Counsels for applicant.**

**IO is directed to appear in person on the next
date of hearing.**

Be listed on 02.02.2021.

Order be uploaded on the server.

**(DINESH KUMAR)
CMM/NE/KKD/DELHI/22.01.2021**

**In the court of Chief Metropolitan Magistrate
North East, Karkardooma Courts, Delhi.**

FIR No.94/2020

PS New Usman Pur

State Vs. Imran Khan

U/s. 307/324/147/148/149/120-B IPC

22.01.2021

**In view of the Order No. 170-184/
Judl./N.E./KKD/Delhi/2021 dated 15.01.2021 issued
by Ld. District & Sessions Judge, North East,
Karkardooma Courts, the present matter has been
taken up through physical hearing today.**

**This is an application dated 22.12.2020 moved on
behalf of applicant for cancellation of proceedings u/s.
82 Cr.P.C.**

**Present: Mr. Saleem Ahmed, Ld. SPP for State.
Mr. Deepak Kumar, Ld. Counsel for applicant.**

**Ld. Counsel for applicant submits that he has
instructions to withdraw the present application.**

**In view of submission of Ld. Counsel, present
application is disposed of as withdrawn.**

**Original applicaation be filed in the court within two
days.**

Order be uploaded on the server.

**(DINESH KUMAR)
CMM/NE/KKD/DELHI/22.01.2021**

**In the court of Chief Metropolitan Magistrate
North East, Karkardooma Courts, Delhi.**

FIR No.94/2020

PS New Usman Pur

State Vs. Anas

U/s. 307/324/147/148/149/120-B IPC

22.01.2021

**In view of the Order No. 170-184/
Judl./N.E./KKD/Delhi/2021 dated 15.01.2021 issued
by Ld. District & Sessions Judge, North East,
Karkardooma Courts, the present matter has been
taken up through physical hearing today.**

**This is an application moved on behalf of
applicant Shoib Khan and Irfan for cancellation of
proceedings u/s. 82 Cr.P.C.**

**Present: Mr. Saleem Ahmed, Ld. SPP for State.
Mr. Jatin Sapra, Ld. Counsel for applicants.**

**Ld. Counsel submits that Hon'ble High Court has
passed an interim order till 23.02.2021 for not taking any
coercive action against applicant Irfan.**

Ld. Counsel seeks adjournment.

At request, be listed for arguments on 26.02.2021.

**IO shall remain present on the next date of
hearing.**

Order be uploaded on the server.

(DINESH KUMAR)

CMM/NE/KKD/DELHI/22.01.2021

**In the court of Chief Metropolitan Magistrate
North East, Karkardooma Courts, Delhi.**

**FIR No.101/2020
PS Crime
State Vs. Khalid Saifi**

22.01.2021

**In view of the Order No. 170-184/
Judl./N.E./KKD/Delhi/2021 dated 15.01.2021 issued
by Ld. District & Sessions Judge, North East,
Karkardooma Courts, the present matter has been
taken up through physical hearing today.**

**This is an application moved on behalf of
applicant u/s. 207 Cr.P.C.**

Present: Ms. Pravita Kashyap, Ld. Counsel for applicant.

**Ld. Counsel submits that the applicant/accused has
received all the documents which are part of charge sheet.
There are certain documents which are in possession of
the IO but they are not part of the charge sheet. The IO
may be directed to supply those documents.**

Notice be issued to the Prosecution and the IO.

Be listed for reply and arguments on 28.01.2021.

Order be uploaded on the server.

**(DINESH KUMAR)
CMM/NE/KKD/DELHI/22.01.2021**