

IN THE COURT OF ACMM-EAST KKD DELHI
e-FIR No: 43720/19
PS Krishna Nagar (M V Theft)
State Vs Unknown
28.08.2020
Through video conferencing

Application for calling status report moved by the applicant Sh. Monu Kumar. The application is received on the email ID of the Court.

Present: Ld. Subs. APP for the State through VC.

Sh. P.K. Srivastava, Ld. Counsel for applicant through VC.

Present application has been moved by the applicant who is registered owner of the Vehicle motor cycle having registration number DL13ST7816. The present e-FIR was registered on his complaint after said vehicle of the applicant was stolen. The vehicle could not be recovered. Therefore an e-untrace report was filed by the IO which was accepted by this Court electronically. The order accepting the untrace report by the Court has already been received by the applicant.

It is submitted by the Ld. Counsel for the applicant that in the untrace report the engine number of the stolen vehicle is mentioned as 7816 which is not correct. It is argued by the Ld. Counsel that the correct engine number of the stolen vehicle is HA10AGHHF15595. Hence it is prayed that the engine number may be corrected in the untrace report.

Notice was issued to the IO to file report. The report has been filed by IO HC Krishan Kumar. Report perused.

It has been stated by the IO that during investigation he had found that the correct engine number of the motorcycle (Hero Splendor Plus) of the complainant as mentioned hereinabove was HA10AGHHF15595. However,

inadvertently, wrong engine number was mentioned in the records which was also mentioned on the order of this Court accepting the untrace report.

In view of the above, it is shown to this Court that a wrong engine number, i.e., 7816, of motorcycle bearing registration number DL13ST7816 has been mentioned in the records of eFIR no.43720/19, PS Krishna Nagar. It is shown that the correct engine number of the said vehicle is HA10AGHHF15595.

Hence it is hereby directed that in the untrace report acceptance order issued digitally by this Court in eFIR no.43720/19, PS Krishna Nagar, the engine number of the vehicle as aforementioned shall be read as 'HA10AGHHF15595' in place of '7816'.

With the above directions the application stands disposed of.

Copy of this order be uploaded on the server. Copy be given dasti to the applicant. Copy be also sent to the 'Crime Branch' Delhi Police, MVT cases division, Kamla Market, through the IO, for records.

The applicant is directed to file the original application in the Court within 2 working days/

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(DINESH KUMAR)
ACMM (EAST)/KKD/28.08.2020

IN THE COURT OF ACMM-EAST KKD DELHI
FIR No. 89/2018
PS Preet Vihar
State Vs Manoranjan Panigrahi
28.08.2020

File is taken up today on an application for releasing of DL moved by the applicant accused Manoranjan Panigrahi.

Present: Ld. Subs. APP for the State through VC.
Sh. Sagar, Ld. Counsel for applicant/accused through VC.

Heard on application. Considering the submissions the application is allowed. The DL of the applicant accused be released to the applicant/accused as per rules/law. The applicant/accused is directed to deposit the Driving licence in the Court within 3 months after its renewal. Application stands disposed of. Proceedings be tagged with the file. File be put up on date fixed.

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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ACMM (EAST)/KKD/28.08.2020

IN THE COURT OF ACMM-EAST KKD DELHI
FIR No. 178/2017
PS EOW
State Vs Anil Mittal
28.08.2020

Application u/s 267 Cr.P.C. moved by applicant Anil Mittal.

Present: Ld. APP for the State through VC.
Sh. Aditya Jain, ld. Counsel for applicant/accused through VC.
Applicant/accused is stated to be in Lucknow Jail.

Notice be issued to the Jail Superintendent concerned for NDOH. Jail Superintendent concerned is directed to file reply of the application of accused on 02.09.2020.

Copy of this application alongwith this order be sent to the Jail Superintendent concerned for necessary compliance.

Matter be listed on 02.09.2020.

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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ACMM (EAST)/KKD/28.08.2020

State Vs. Anil Mittal: FIR No. 178/2017: PS EOW: U/S: 406/409/420/120B, IPC.

IN THE COURT OF ACMM-EAST KKD DELHI

State Vs. Anil Mittal

FIR No. 178/2017

PS: EOW

U/S: 406/409/420/120B, IPC.

28.08.2020

An application U/s 267 Cr.P.C moved on behalf of the applicant Sh. Anil Mittal for directions.

Present: Sh. Aditya Jain, Ld. Counsel for applicant/accused
Anil Mittal.

Accused Anil Mittal has been produced through VC
from Lucknow Jail.

The proceedings are done through Video
Conferencing.

Reply is received from Lucknow Jail on the mail ID of
this Court.

The applicant accused is taken into custody in the present case at the request of Ld. Counsel for the accused.

The present application is in relation to a matter which is pending in the Court of Ld. CMM East. However Ld. CMM East is on leave and therefore the application has been taken up by the undersigned.

Ld. Counsel for applicant/accused Anil Mittal submits, *inter alia*, that the accused has been in Judicial custody in the present matter since 07.08.2019. The Applicant was released on interim bail. The Applicant appeared before the Enforcement Directorate, Lucknow Zonal Office on 15.06.2020 in ECIR NO. LKZO/06/2019. The Applicant was arrested on the same date and the ED was granted the custody of the Applicant for interrogation vide order dated 16.06.2020. On 17.06.2020, the Applicant's custody was transferred to

State Vs. Anil Mittal: FIR No. 178/2017: PS EOW: U/S: 406/409/420/120B, IPC.

the Judicial Custody. He informed the Jail Superintendent, Mandoli Jail through email that he was in judicial custody in Lucknow and therefore he could not come and surrender after expiry of the period of his interim bail. However, he wanted to surrender in the present case after expiry of the period of interim bail.

Ld. Counsel submits that the interrogation and investigation of the applicant has been completed by the ED and the complaint has been filed on 14.08.2020. His presence is no longer required in Lucknow. Since the Applicant could not surrender before the Mandoli Jail, Delhi after the expiry of his interim bail, he wants that his period in custody in Lucknow Jail be counted as period in the present case also. Ld. Counsel further submits that there are more than 15 FIRs registered in Gautambuddha Nagar, UP. The Honble Supreme Court vide order dated 10.07.2020 had directed the transfer of all the FIRs to EOW.

The Applicant has prayed that he be produced before this Court stating, inter alia, that he is a known patient of asthma, hypertension and nasal polyps. He has been a patient of Covid. His family doctor and other doctors whom he has been visiting for past 30 days are practicing in Delhi. In case of any emergency, it would be good for his health that he is treated by the doctors in Delhi. He has to prepare for his trial also in the present case. Hence it is prayed that production warrant against the Applicant be issued to transfer him to a jail in Delhi from Lucknow Jail. He has also prayed that his nominal roll may also be called from Jail No.11, Mandoli Jail. Ld. Counsel submits

State Vs. Anil Mittal: FIR No. 178/2017: PS EOW: U/S: 406/409/420/120B, IPC.

that the applicant is currently in judicial custody in Lucknow Jail in Criminal Misc Case No.267 of 2020 in ECIR No. 06/PMLA/LKZO/2019 u/s 3 and 4 of the PMLA Act.

The reply is received from the Lucknow Jail Superintendent. It has been stated in the reply that the accused in custody in the abovementioned case. The accused can not be transferred to any other jail without permission of the Ld. District and Sessions Judge, Lucknow.

At this stage, Ld. Counsel for the applicant accused submits that he may be given the liberty to approach Ld. District and Sessions Judge Lucknow with an application seeking permission to transfer the applicant accused in Mandoli Jail. It is submitted by Ld. Counsel that the applicant shall bear all the expenditures for transferring him from Lucknow Jail to Delhi Jail.

Considering the submissions of Ld. Counsel, and after considering the reply received from the District Jail Lucknow, I am of the opinion that there is no bar in granting liberty to the applicant to approach the Ld. District and Sessions Judge Lucknow with aforementioned prayer. Therefore, present application is disposed of with the directions that in case the accused gets permission from the Ld. District and Sessions Judge, Lucknow, for his transfer from Lucknow Jail to Mandoli Jail no. 11, Delhi, the applicant accused shall be transferred to the said Jail within one week of the order/permission of Ld. District and Sessions Judge. Within two days of obtaining the order from the Court of Ld. District and Sessions Judge, the steps will be

State Vs. Anil Mittal: FIR No. 178/2017: PS EOW: U/S: 406/409/420/120B, IPC.

taken by the applicant or his representative to approach the Jail superintendent Concerned to obtain the rough estimate of the total expenditure to be done by the Jail authorities in transferring the accused as abovesaid. He shall deposit the amount within 2 days thereafter. Ld. Counsel has prayed that production warrants of the accused may be issued directing his production in the present case in Delhi as the matter is at the stage of consideration on charge. However, at present UTPs are not produced in the Courts from prisons due to Covid-19 and therefore, no production warrants can be issued as prayed.

Copy of the order be sent on the mail ID of the Ld. Counsel for the applicant. The copy be also sent to the Jail Superintendent Lucknow Jail and Mandoli jail no.11 for information and compliance.

Order be uploaded on server. Original application be deposited in the Court within two working days.

The record be tagged with the main challan.

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(DINESH KUMAR)
ACMM (EAST)/KKD/28.08.2020

IN THE COURT OF ACMM-EAST KKD DELHI
FIR No: 247/19
PS Crime Branch
State Vs Joseph Messi
28.08.2020

Application for withdrawal of surety

Present: Ld. APP for the State through VC.
Sh. Aditya Singhal, ld. Counsel for applicant through VC.

The application is related to matter pending in the court of Ld. CMM East. However at present Ld. CMM East is on leave. Therefore the application is taken up by the undersigned for hearing.

Perusal of the record shows that accused Joseph had been granted bail by the Court on 09.09.2019 on furnishing personal bond in sum of Rs.20,000/- with one surety of like amount. Applicant Ashwani Dubey had furnished the surety bond for the accused. The accused was directed to be released by this Court. Now the applicant wants to withdraw his surety. It is stated in the application that the accused is in judicial custody in some other case in Tihar Jail.

A reply has been received on email ID from Jail Superintendent. It has been informed that accused has been taken into custody in the present matter as directed by this Court. It has also been informed that accused is in JC in case FIR NO. 247.2019 PS Crime Branch, New Delhi and case FIR NO. 18/2017 PS

Kotwali. Hence the accused has already been taken into custody in the present case.

In these circumstances, Surety bond stands canceled. Surety is discharged. FDR of the surety be released to him after cancellation of endorsement if any against receipt.

Application stands disposed of.

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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ACMM (EAST)/KKD/28.08.2020

IN THE COURT OF ACMM-EAST KKD DELHI
FIR No. 320/2020
PS New Ashok Nagar
State Vs Mohd. Aasim
28.08.2020

Application for releasing of mobile phone and other articles on superdari moved by the applicant Mohd Aasim.

Present: Ld. APP for the State through VC.
Sh. Arvind Saxena, ld. Counsel for applicant/accused through VC.
Reply is received from the IO.

It has been stated in the reply that items were seized during the personal search of the accused and they were deposited in the Malkhana. Thus, the items mentioned in the application which are not case property. Therefore the items as per seizure memo of the personal search be released to the applicant. Application stands disposed of.

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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ACMM (EAST)/KKD/28.08.2020

IN THE COURT OF ACMM-EAST KKD DELHI
State Vs. Unknown
e-FIR No.8648/2020
PS : Ghazipur
28.08.2020

An application for untrace report moved by the applicant Sh. Ankit.

Present: Sh. Ram Kumar Sharma, Ld. Counsel for applicant Ankit through VC.

Untrace report is received on server from the IO. Perused. Ld. Counsel for the applicant owner submits that the applicant does not intend to file any protest petition and the untrace report may be accepted.

Untrace report is accepted electronically as per procedure as the complainant does not want to file any protest petition.

Application stands disposed of. Proceedings be consigned to record room. Order be uploaded on server.

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ACMM (EAST)/KKD/28.08.2020

IN THE COURT OF ACMM-EAST KKD DELHI
State Vs. Unknown
e-FIR No.13360/2020
PS : Preet Vihar
28.08.2020

An application for untrace report moved by the applicant Sh. Manish Kumar.

Present: Sh. Manish Kumar through VC.

Untrace report is received on server from the IO. Perused. The complainant submits that he does not intend to file any protest petition and the untrace report may be accepted.

Untrace report is accepted electronically as per procedure as the complainant does not want to file any protest petition.

Application stands disposed of. Proceedings be consigned to record room. Order be uploaded on server.

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ACMM (EAST)/KKD/28.08.2020