

FIR No.:0313/2020
P.S.: Shakarpur
U/s: 365/511 IPC & 54/59 Arms Act
State Vs. Dheeraj

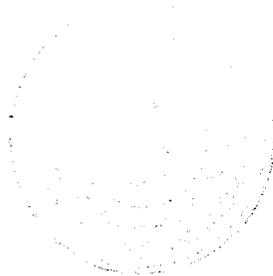
04.09.2020

Second application U/s 437 Cr.P.C for bail on behalf of accused,
received by way of email.

Present: Ld. APP for the state is present for hearing through VC.

None for applicant through V.C.

IO/SHO of PS concerned to file reply on 05.09.2020.




(Aakanksha Vyas)
MM-05 (East)/KKD Court
Delhi/ 04.09.2020



E-FIR No.:021266/2020
P.S.: Krishna Nagar
U/s: 379/411 IPC
State Vs. Unknown

04.09.2020

Fresh application for release of vehicle bearing No. DL5SBT6410, on superdari on behalf of applicant, received by way of email.

Present: Ld. APP for the state is present for hearing through VC.

None for applicant through V.C.

IO/SHO of PS concerned to file reply on 05.09.2020.


(Aakanksha Vyas)
MM-05 (East)/KKD Court
Delhi/ 04.09.2020



DD No: 24-A dated 07.11.2008
P.S.: Krishna Nagar
State Vs. Unknown

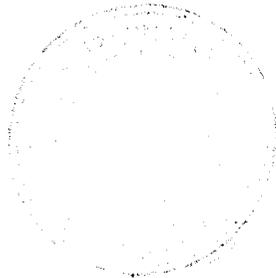
04.09.2020

Fresh application for calling status report from the SHO/IO in respect of the above mentioned DD No. in respect of the missing report of Sh. Suraj Prakash Jethi and for submitting final report regarding the above DD No., on behalf of applicant, received by way of email.

Present: Ld. APP for the state is present for hearing through VC.

None for applicant through V.C.

Application perused. IO/SHO of PS concerned to file report on 08.09.2020.



— SJ —
(Aakanksha Vyas)
MM-05 (East)/KKD Court
Delhi/ 04.09.2020

STATE OF DELHI
CRIMINAL JUSTICE
COMMISSION
KRIHNA NAGAR COURT CAMPUS

FIR No.:302/2020
P.S.: Krishna Nagar
U/s: 411 IPC
State Vs. Shahbuddin

04.09.2020

Application U/s 437 Cr.P.C for bail on behalf of accused, received by way of email.

Present: Ld. APP for the state is present for hearing through VC.

None for applicant through V.C.

IO/SHO of PS concerned to file reply on 05.09.2020.




(Aakanksha Vyas)
MM-05 (East)/KKD Court
Delhi/ 04.09.2020

FIR No.:363/2020
P.S.: Shakarpur
U/s: 279/337 IPC
State Vs. Asadulla

04.09.2020

Fresh application for release of vehicle Model ERTIGA (White) (Taxi) bearing No. UP-17AT-6358, on superdari on behalf of applicant, received by way of email.

Present: Ld. APP for the state is present for hearing through VC.

None for applicant through V.C.

IO/SHO of PS concerned to file reply on 05.09.2020.


(Aakanksha Vyas)
MM-05 (East)/KKD Court
Delhi/ 04.09.2020



FIR No. SHD-KN-000127/20
eP.S.: Krishna Nagar
U/s: 379 IPC

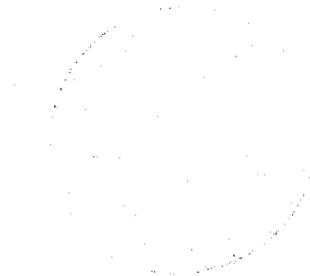
04.09.2020

Fresh application for release of Hero Cycle, on superdari on behalf of applicant, received by way of email.

Present: Ld. APP for the state is present for hearing through VC.

None for applicant through V.C.

IO/SHO of PS concerned to file reply on 05.09.2020.




(Aakanksha Vyas)
MM-05 (East)/KKD Court
Delhi/ 04.09.2020

आकंक्षा वीस
AANKKSHA VYAS
महानगर न्यायालय (MM)-05
महानगर न्यायालय (MM)-05
प्लॉट नं. 05, एच.डी. वी.
स. 12, 1st Floor
कानून न्यायालय, दिल्ली-110002
Karnal Singh Court, Delhi-02

FIR No. 435/2020
P.S.: Krishna Nagar
U/s: 279/506 IPC

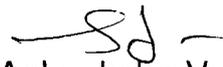
04.09.2020

Present: Ld. APP for the state is present for hearing through VC.

None for applicant through V.C.

Application perused. Reply of IO perused. In view of the reply of IO, re-list on 07.09.2020. IO/SHO of PS concerned to file fresh reply to the present application on the NDOH.




(Aakanksha Vyas)
MM-05 (East)/KKD Court
Delhi/ 04.09.2020

श्री अकांक्षा व्यास
अकांक्षा व्यास
रजि. नं. 156 (3) Cr.P.C-05
महानगर न्यायालय (पूर्व) 05
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दिल्ली न्यायालय

SATISH PAL VS. VIRENDER PRAKASH PAL & ANR.
PS: SHAKARPUR

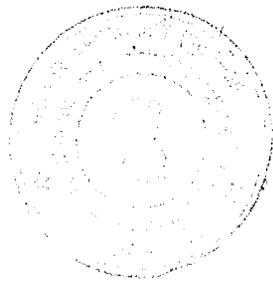
04.09.2020

Present: Ld. Counsel for the complainant is present through V.C.

ATR received and perused. Copy of the ATR be supplied to the complainant/Ld. Counsel.

In view of the ATR, IO/SHO PS concerned is directed to file fresh ATR on 18.09.2020.

It has come to my notice that the present application U/s 156 (3) Cr.P.C was received by email on 26.06.2020 and has not been registered till date. Accordingly, the Ahlmad is directed to register the present case today itself.




(Aakanksha Vyas)
MM-05 (East)/KKD Court
Delhi/ 04.09.2020

CO-101 2017
AANKANSHA VYAS
MM-05 (EAST) COURT
DELHI
04.09.2020

FIR No. 216/2020

P.S.: PIA

State Vs. Bhushan Kumar & ors.

U/s: 33 of Delhi Excise Act

04.09.2020

Present:- Ld. APP for the State is stated to be available for hearing through VC.

None for applicant through V.C.

Reply of IO received. Perused.

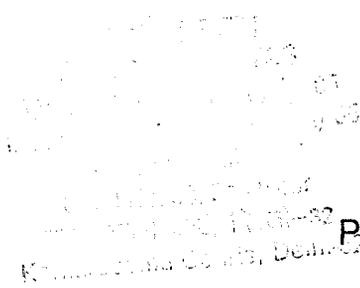
Let jamatalashi articles be released to the applicant as per personal search memo, if the same are not required for investigation.

The application stands disposed off accordingly.

Copy of this order be sent to SHO PS concerned and copy of this order be also uploaded on the website of District Courts.




(Aakanksha Vyas)
MM-05 (East)/KKD Court
Delhi/ 04.09.2020



Bremshila Kumari Vs. State NCT of Delhi
FIR No. 159/2020
U/S: 451/323/506/34 IPC
PS: PIA

04.09.2020

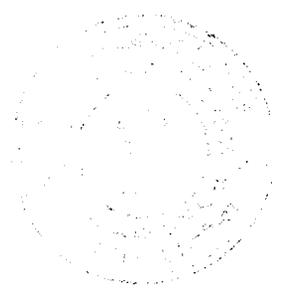
Present: Ld. APP for the state is present through VC.

Ld. Counsel for applicant is present through V.C.

Application perused. Status report received. Same is also perused. Copy of the status report be supplied to the applicant/ Ld. Counsel for the applicant.

The Ld. Counsel has been unable to furnish any cogent reason as to why monitoring of investigation in the present case by this court is required. As status report has already been received today, the present application stands disposed off.

Copy of this order be uploaded on the Website of District Court.




(Aakanksha Vyas)
MM-05 (East)/KKD Court
Delhi/ 24.08.2020

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FIR No.: 77/18
P.S.: Krishna Nagar
State Vs. Romi Chouhan
U/s: 420/406/34 IPC

04.09.2020

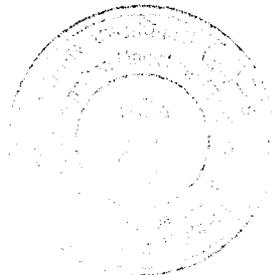
Present: Ld. APP for the state is present for hearing through VC.

None for applicant through V.C.

Application perused. Reply of the IO perused. In view of the reply of IO, the present application is dismissed. The applicant/accused is directed to file application for release of Jamatalashi articles in the appropriate Court.

Copy of the reply of IO received today be sent to the Ld. Counsel for applicant on his email ID and same be also informed to him telephonically.

Copy of this order be also uploaded on the website of District Courts.




(Aakanksha Vyas)
MM-05 (East)/KKD Court
Delhi/ 04.09.2020

MM-05 (East) Court
Delhi/ 04.09.2020

DD No. 8A/20
P.S.: Shakarpur
State Vs. Amit Kumar
U/s: 41.1 of Cr.P.C

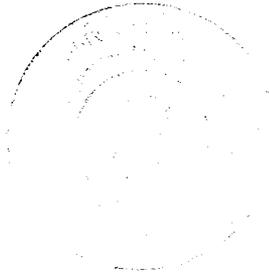
04.09.2020

Present: Ld. APP for the state is present through VC.

Ld. Counsel for the accused is present through V.C.

Bail application perused. However, the office has informed the undersigned that reply of the present bail application has not been received.

Re-list of 05.09.2020. IO/SHO of PS concerned is directed to file reply on NDOH.




(Aakanksha Vyas)
MM-05 (East)/KKD Court
Delhi/ 04.09.2020

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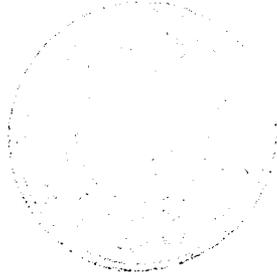
FIR No.: 218/2020
P.S.: Krishna Nagar
State Vs. Yogesh Gupta
U/s: 25 Arms Act

04.09.2020

Present: Ld. APP for the state is present for hearing through VC.

None for applicant has joined through V.C till 2:00PM.

Hence, re-list on 07.09.2020.



(Aakanksha Vyas)
MM-05 (East)/KKD Court
Delhi/ 04.09.2020

MM-05 (East) Court
Delhi/04.09.2020
FIR No. 328/20
P.S. Shakarpur
State Vs. Sameer @ Dilshad @ Dillu
U/s: 186/353/332 IPC

FIR No.: 328/20

P.S.: Shakarpur

State Vs. Sameer @ Dilshad @ Dillu

U/s: 186/353/332 IPC

04.09.2020

Present : Ld. APP for the State is present through Video Conferencing.

Ld. Counsel for accused is present through Video Conferencing

Second bail application for grant of bail u/s 437 Cr.P.C is moved on behalf of the accused Sameer @ Dilshad.

Bail application perused. Reply filed by IO also perused.

Ld. Counsel for the accused submitted that accused is in JC since 29.07.2020. Ld. Counsel has further submitted that accused has been falsely implicated in the present case. Ld. Counsel has also submitted that accused is no more required for any investigation. Accused is ready to furnish reliable surety. Further, the accused has two young children and he is the sole bread earner of his family.

Ld. APP for the State has opposed the bail application of the accused stating that the allegations are serious in nature and as per the reply of IO, accused is a habitual offender.

Heard both the parties.

File perused. In the present case, accused is in J/C since 29.07.2020. As per clarification received from IO through Naib Court, only result on MLC of victim is awaited and charge sheet shall be filed within 10 days. Hence, no investigation remains pending in the present case. Further, the aspect of de-congestion of jails in light of Covid-19 pandemic is also a relevant consideration. Keeping in view the facts and circumstances of the case, accused is admitted to Court bail on furnishing of bail bond in the sum of **Rs. 30,000/- with one surety in the like amount** subject to the conditions that :-

1. The accused shall cooperate with the IO during the investigation.
2. Accused shall not indulge in similar offence as that of which he is the accused.
3. He will not try to tamper with the evidence and will not try to contact the complainant during the pendency of the case.

Accordingly, bail application disposed off. Copy of this order be uploaded on the website of District Courts.



(Aakanksha Vyas)
MM-05 (East)/KKD Court
Delhi/ 04.09.2020

CC No. 60351/2016
RAJESH KUMAR KHANNA VS. JITENDER KHANNA ETC.
Ps: Krishna Nagar

04.09.2020

Present: None for complainant through V.C.

On the last date of hearing, arguments on the point of summoning of accused persons were heard through V.C. Today the matter is listed for orders on the same.

The complainant has filed the present complaint against the accused persons namely Jitender Kumar Khanna and Manish Arora alleging commission of offences by the accused persons U/s: 307/323/326/341/354/354B/452/506/120B IPC. In his complaint, the complainant has stated that accused No. 1 is his real brother, while accused No. 2 is the employee of accused No. 1. The complainant has further stated his wife namely Sonia is running a business of readymade garments in a tenanted shop on the ground floor of property No. K-74, Chachhi Building, Lal Quarter, Krishna Nagar, Delhi. Further, admittedly various litigations pertaining to property dispute are going on between the complainant and accused No. 1 and the accused No. 1 is stated to be doing business from a shop adjacent to that of the complainant. The complainant has alleged that on 02.06.2016, he was present in the above mentioned shop at about 1:00PM when the accused persons forcibly entered the shop with the intention to kill the complainant and gave merciless beatings to him and accused No. 1 also ordered accused No. 2 to kill the complainant. It is further alleged that accused No. 2 caught hold of the neck of the



complainant and started strangulating him with intention to kill. It is further alleged by the complainant that he somehow escaped from the clutches of the accused persons and thereafter, the accused persons dragged the complainant outside his shop and gave merciless beating to him. It is also alleged by the complainant that when his wife tried to intervene, accused No. 1 caught hold of her hair, slapped her on her face and also tried to disrobe her. The complainant has stated that he immediately made a call on 100 No. that day. Further, due to beatings, he sustained serious injury on his neck and subsequently he was also medically examined. Furthermore, the complainant made a written complaint to SHO, PS: Krishna Nagar and DCP (East) on 02.06.2016, but no action was taken against the accused persons.

To prove the averments of his complaint, the complainant has examined himself as CW1 and his wife as CW2.

I have carefully perused the averments made in the present complaint as well as the testimony of CW1 & CW2. In their depositions, CW1 & CW2 have more or less reiterated the averments made in the present complaint. Now, the complainant has alleged commission of offences U/s: 307/323/326/341/354/354B/452/506/120B IPC against the accused persons. At the outset, it is pertinent to state that offence U/s 341 IPC is not made out from the testimony of CW1 & CW2, as it is nowhere alleged therein that the accused persons wrongfully restrained CW1 & CW2 from proceeding in any particular direction. Similarly, so far as Section 326 IPC is concerned, the same is also not from the bare testimony of CW1 & CW2 as it is nowhere alleged therein that the accused persons



assaulted CW1 by any instrument for shooting, stabbing or cutting or any instrument which when used as a weapon of offence is likely to cause death or by means of fire, poison or any explosive substance. In so far as Section 452 IPC is concerned, the same is also not made out from the bare testimony of CW1 & CW2 as the same does not reflect any preparation made by the accused persons which is an essential ingredient of the offence U/s 452 IPC. In so far as offence u/s 506 IPC is concerned, the same is also not made out from the bare testimony of CW1 & CW2 as CW1 & CW2 have only deposed that the accused persons has threatened to kill them. However, it is pertinent to note that it is a settled law that mere threat is no offence. Reliance is placed upon the judgment of the Delhi High Court in Amitabh Adhar v. NCT of Delhi 2000 CriLJ 4772.

I now come to the remaining offences alleged to have committed by the accused persons U/s: 307/323/354/354B/120B IPC. CW1 & CW2 have deposed that on 02.06.16, the accused persons entered their shop and accused No. 1 strangulated the complainant and ordered accused No. 2 to kill the complainant and when CW2 intervened, accused No. 1 caught hold of her hair, slapped on her face and tried to disrobe her. CW1 has also deposed that he called on 100 No. on the same day, at the time of incident itself and also made a complaint to the SHO PS concerned as well as to DCP (East) . However, neither the record of call made on 100 No. by the complainant was got summoned, nor were the complaints dated 02.06.16 made to SHO PS concerned and DCP (East) were proved by the complainant. Further, the complainant has deposed that he was strangulated by accused No. 1 and got serious injury on his



neck and was also medically examined. However, no medical document (of private or govt. Hospital) has been proved by the complainant or even brought on record in his testimony or the testimony of CW2. In these circumstances, it cannot be said that the allegations of the complainant have been proved by him. On the contrary, material evidence in the possession of the complainant or which could have been produced by him during his testimony, has been withheld by him, which entitles the Court to draw adverse presumption against him and his allegations are shrouded in doubt. Reliance is placed upon **Section 114(g) of the Indian Evidence Act 1872**. Thus prima face offences U/s 307/323/354/354B/120B IPC are not made out against the accused persons.

Hence the present complaint case is dismissed under section 203 CrPC.

File be consigned to record room.

Copy of this order be uploaded on the site of Delhi District Courts.


(Aakanksha Vyas)
MM-05 (East)/ KKD Court
Delhi/04.09.2020