

State Vs. Ashwani Mishra & Anr.
CNR No.: DLCT01-0000006-2019
SC No. 5/2019
FIR no. 57/2018
PS Timar Pur

28.02.2026

The present case has been received by way of transfer *vide* Order no. 78055-78087/F.3(4)/Gaz/2025 dated 14.10.2025, passed by Ld. Principal District & Session Judge (Headquarters).

Present : None for the State.
 Accused, namely, Ashwani Mishra is present.
 Proceedings *qua* accused Sanjay Kumar is already abated.

The matter is passed-over at the request of the accused Ashwani.

Abhishek Goyal
ASJ-03, Central District,
Tis Hazari Courts, Delhi
28.02.2026

It is 12:30 P.M.

Present : Mr. Pravesh Kumar Ranga, Ld. (*Substitute*) Addl. PP for the State.
 Mr. R.K. Saini, Ld. Remand Counsel for the accused, namely, Ashwani Mishra.
 Accused, namely, Ashwani Mishra is present.
 Proceedings *qua* accused Sanjay Kumar is already abated.

At this stage, an application seeking cancellation of NBW has been moved on behalf of the accused, namely, Ashwani Mishra.

It is stated in the application that the accused could not appear before the Ld. Predecessor Judge on 23.08.2025 for the reason that the accused was in judicial custody in case

pertaining to kalandra proceedings u/s 120/170 BNSS. Ld. Counsel further submitted that the reasons for non-appearance of the accused before the Ld. Predecessor Judge were neither deliberate nor intentional and that it was solely due to the aforesaid reason that the accused was in judicial custody. Therefore, it is prayed that the NBWs may be recalled.

Per contra, Ld. (*Substitute*) Addl. PP for the State has vehemently opposed the present application on the ground that despite directions, the accused has deliberately failed to appear before this Court leading to issuance of NBW against him on 23.08.2025.

Arguments heard. Record perused.

Notably, from a perusal of the record, it is observed that the NBWs issued against the accused had returned unexecuted with the remarks that the accused was not found traceable at the address, available on record. However, on 25.09.2025, Mr. Ashish Mishra, brother of the accused had entered appearance and submitted that the accused was in judicial custody in some other case, whereupon, the operation of NBWs were suspended by the Ld. Predecessor Judge. Pertinently, the accused has entered appearance today and reiterated the aforesaid submissions and moved the present application through the Ld. Remand Counsel asserting that he was in judicial custody in relation of the aforesaid kalandra proceedings. Further, during the course of proceedings today, the accused has filed his fresh address i.e. H. No. 90, Delhi Jal Board, Varun Vatika, Model Town -III, North West Delhi-110009, on an affidavit and has undertaken to appear before this Court, diligently, hereinafter on every occasion the matter is taken up before this court.

In light of the foregoing, and considering the

submissions addressed before this Court, this Court deems it prudent to recall the NBWs issued against the accused, namely, Ashwani Mishra.

Accordingly, the NBWs issued against the accused Ashwani Mishra is recalled, subject to deposit of cost of Rs. 1,000/- in DLSA, Central. The accused is warned to be careful in future.

At request, the fine be deposited on or before the next date of hearing.

In the interest of justice, list for PE on **02.06.2026**.

Copy of this order be given *dasti* to the accused.

A copy of this order be also marked to the concerned SHO/IO for record, intimation and necessary action.

At this stage, the accused has submitted that he is not represented by any counsel in main case. Further, as per the accused, he has no means to engage the services of a private counsel. Accordingly, the accused has requested for engagement of a Ld. Legal Aid Counsel to represent him in the present case.

Accordingly, **Ld. Secretary, DLSA (Central)** is requested to appoint a Legal Aid counsel to defend the accused. A copy of order be sent to Ld. Secretary, DLSA (Central) for appointment of Ld. Legal Aid Counsel.

Abhishek Goyal
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