

CNR No. DLCT01-003518-2019
SC No. 263/19
State Vs. Shehnawaj @ Tunda and Anr.
FIR No. 176/18
PS Timar Pur

23rd August, 2022

Present: Mohd. Iqrar, Ld. Addl. PP for state.
Accused Shehnawaj @ Tunda produced from J.C.
Accused Mahesh on bail.
Sh. Bhanu Pratap Singh and Sh. Prem Singh, ld.
Counsels for both accused no.1 and 2.

Today, Sh. Yatender Kumar, ld. Legal Aid Counsel has filed authority/appointment letter for the accused Shehnawaj @ Tunda, however, accused Shehnawaj @ Tunda submitted that he has engaged private counsel and that he does not need the assistance of Legal Aid Counsel. Fresh vakalatnama is filed on behalf of accused Shehnawaj @ Tunda by the private Counsels. Same is taken on record.

Accordingly, Sh. Yatender Kumar, ld. LAC is discharged from the present case, as an advocate for accused Shehnawaj @ Tunda.

Accused Shehnawaj @ Tunda has been produced by ASI Shamsher Singh, HC Kamal, Ct. Pawan, HC Sudhir and Commando Gagan (all from 3rd Batallion, DAP) alongwith ASI Devender (3rd Batallion, DAP) and SI Sumit Dhankar from Tis Hazari Lockup. It is submitted that the accused has been brought separately from Tihar jail no. 8 as the accused is a high risk prisoner. It is observed that the accused is carrying one ball pen and wearing one wrist watch. On being inquired, the accused submitted that he has taken permission from the jail

Superintendent, Tihar Jail no. 4 regarding the same, while the accused has been produced from Tihar jail no. 8. No such permission has been produced by the accused for carrying such articles. Accused is also found carrying one folder containing some papers including one laminated letter which he submits the the same to be permission letter by the Court.

On perusal of the said laminated letter dated 14.12.2019, it is found that it bears the heading “IN THE HON'BLE COURT OF PINKI, METROPOLITAN MAGISTRATE (NI ACT-06) CENTER TIS HAZARI COURT DELHI 110054”. It is also found to contain some stamps of the Courts of Tis Hazari. It also bears the words “allowed for the same” and also bears some signatures with green pen with date 14.12.2019.

On further inquiry, the accused submits that this letter was obtained by his counsel namely Sh. Gaurav and he has given this letter to him.

Let a detailed report be called from the concerned Jail Superintendent, jail no. 4 and the concerned Jail Superintendent jail no. 8 regarding the permission given to the accused for carrying such articles.

Let a report be also called from the concerned DCP 3rd Batallion regarding the SOPs for producing the high risk prisoners from jail and regarding the articles which he can carry alongwith him and what are the precautions/procedures to be followed while producing such prisoners.

The aforesaid laminated letter, the ball pen (LINC) and the wrist watch (FASTRACK) are retained on judicial record

in a separate envelope with the seal of this Court.

The accused is also found wearing shoes with laces and he submits that he is having medical problem with his foot and therefore, the shoes with laces have been allowed by the concerned Jail Superintendent in consultation with CMO. Since the fact of medical problem cannot be verified by this Court at this stage, the accused is allowed only for today to continue wearing the shoes with laces. ***The concerned Jail Superintendent is directed to file report in this regard as well for NDOH.***

PW-2 examined in chief and his cross-examination is deferred at the request of counsel for the accused on the ground that he wants to cross-examine two witnesses together.

Issue fresh summons to PW-2 and other witness namely Vipin Bhati for the NDOH.

List for RPE on **30.09.2022**.

(Sushil Anuj Tyagi)
ASJ-04/Central/Delhi
23.08.2022^(VR)