

State Vs. Gayasuddin @ Gayas & Ors.

CNR No.: DLCT01-232278-2024

SC No. 109/2024

FIR No. 429/2023

Under Section 307/385/506/120B/34 IPC

PS : Chandni Mahal

21.11.2024

Present : Mr. Amit Dabas, Ld. Addl. PP for the State.
Mr. Fahaduddin, Ld. Proxy counsel for Ms. Seema Gupta, Ld. Counsel for the accused persons, namely, Gayasuddin @ Gayas.
Mr. Ali Mehdi, Ld. Proxy counsel for Mr. Vineet Jain, Ld. Counsel for accused, namely, Shehzada Irfan @ Lala.
IO Inspector Manoj Kumar is present.

PW Mohd. Tahir and PW Mohd. Aslam are present.

No report on service of summons issued to PW Monu Kumar is forthcoming.

Abhishek Goyal
ASJ-03, Central District,
Tis Hazari Courts, Delhi
21.11.2024

At 12.45 p.m.

Present : Mr. Amit Dabas, Ld. Addl. PP for the State.
Ms. Seema Gupta, Ld. Counsel for the accused persons, namely, Gayasuddin @ Gayas.
Mr. Ali Mehdi, Ld. Proxy counsel for Mr. Vineet Jain, Ld. Counsel for accused, namely, Shehzada Irfan @ Lala.
Mr. Ayub Ahmed Qureshi, Ld. Counsel for accused, namely, Rehan @ Gaonwala.
Mr. Sanjay Kumar, Ld. Counsel for accused persons, namely, Nafees @ Haddi.
All the accused persons, namely, Gayasuddin @ Gayas, Shahzada Irfan @ Lala, Nafees @ Haddi and Mohd. Rehan @ Gaonwala have been produced from judicial custody.
IO Inspector Manoj Kumar is present.

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Fresh *vakalatnama* has been filed on behalf of the accused, namely, Nafees @ Haddi by Mr. Sanjay Kumar, Ld. Counsel. The same is taken on record. Accused has also reaffirmed the engagement of new counsel by him.

PW-1 Mohd. Tahir has been partly examined in chief. His further cross-examination is deferred as the case property has not been received from FSL till date.

Upon being inquired from the concerned IO/Inspector Manoj Kumar, he has submitted that he has since been transferred from PS Chandani Mahal and that he had not followed up FSL authorities regarding the case property. Further, the MHC(M) has also submitted that he is not in receipt of the case property of the present case. Notably, the second IO/Inspector Bal Mukund has not made any attempt to place the FSL report on record or to bring to the attention of this Court that the case property has not been received at the end of the MHC(M) for the want of scrutiny at FSL.

Pertinently, the said facts have been brought to the attention of this Court only when the examination in chief of the complainant/PW-1 has been partly recorded.

It is observed in several matters that after transfer of the IO from the particular police station, there is no follow up from the FSL authorities regarding the FSL report and case property and it is only at the stage of the evidence that the said facts are brought to the attention of the Court.

Accordingly, **a copy of this order be marked to the concerned DCP** to take necessary steps at his end, to ensure in particular to ensure that even after transfer of the IO, there is some mechanism whereby some responsible officer follows up with the FSL authorities so that the case property and FSL report is timely brought on record of the case file.

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Nevertheless, **issue notice to the Director, FSL, Rohini** to expedite the examination of case exhibits and file status of FSL report on the next date of hearing. **IO Inspector Manoj Kumar and Inspector Bal Mukund Rai as well as the SHO, Chandani Mahal are directed to co-ordinate with the concerned official at FSL, Rohini**, in respect to the aforesaid and have the FSL report placed on record at the earliest or update the status thereof preferably on or before **05.12.2024**.

PW Mohd. Aslam is also present. However, he is discharged unexamined for today.

In the interest of justice, list for PE on **13.12.2024**.

PW-1 Mohd. Tahir, PW Shahwaiz (S. No. 5), PW Zaid (S. No. 7) along with concerned IO Inspector Manoj Kumar and Inspector Bal Mukund Rai be summoned for the next date of hearing.

Abhishek Goyal
ASJ-03, Central District,
Tis Hazari Courts, Delhi
21.11.2024