

SC No. 28027/2016
STATE Vs. Rajesh @ Marry
FIR No. 823/2015
PS Kotwali

08.01.2024

Present : Sh. Pankaj Kumar Ranga, Ld. Addl. PP for the State.
Accused persons namely Divesh @ Deepu, Deepak Kumar @ Arav, Virender Kumar @ Bunty and Afzal are present on bail.

Accused Pankaj is absent.

Accused persons namely Rajesh @ Marry and Deepak Kumar @ Bhuri @ Chirag produced from J.C. (although on bail in present case)

Sh.Praveen Singh, Ld. Counsel for all the accused persons.

SI Satender Singh in person.

Sh. Sourabh Kumar, Special Assistant from Bank Of Baroda has deposited the demand draft in the name of Principal District and Sessions Judge, HQ. Same is taken on record. Same be sent to the concerned Branch of District Judiciary for deposit in the account.

NBWs were issued against accused Pankaj through DCP, North. Report has been received that NBWs against accused Pankaj could not be executed as he is not traceable.

Ld. Addl. PP for the State submits that the only requirement for issuance of process u/s 82 Cr.P.C. is that the NBWs have already been issued and all possible attempts to execute the warrants have been made and subsequent to the NBWs having been issued, accused Pankaj is absconding or concealing himself in a manner to avoid execution of warrants. He submits that the preconditions are already complete and

hence, process u/s 82 Cr.P.C. should be issued.

I have perused the report filed on behalf of DCP, North, order pertaining to the issuance of NBWs against accused Pankaj and the report w.r.t. non execution of NBWs.

I am of the considered opinion that the accused Pankaj S/o Sh. Inderpal Jatav R/o House no. 38 A, Gali no. 5, Govind Vihar, Karawal Nagar, Delhi is absconding and concealing himself so that the NBWs could not be executed against him.

In view of the circumstances, let a written proclamation be published against the accused Pankaj S/o Sh. Inderpal Jatav R/o House no. 38 A, Gali no. 5, Govind Vihar, Karawal Nagar, Delhi and he is directed to appear before this court on 18.03.2024 at 10.00 a.m.

A copy of this proclamation be also published in two Daily Newspapers (Hindi and English) which are in circulation in the local area.

SHO PS Kotwali is directed to comply with all the conditions laid down u/s 82 Cr.P.C. as well as the law laid down by the Hon'ble High Court of Delhi and Hon'ble Apex Court w.r.t. the execution of process u/s 82 Cr.P.C.

Accused Deepak Kumar @ Bhuri @ Chirag submits that he has been allowed to wear soft slippers/shoes without laces by the Doctor of Mandoli Jail but he has not been allowed to get the same from Mulakat. He has filed photocopy of medical documents in this regard.

Let a report in this regard be called from Jail Superintendent for next date of hearing.

Put up for filing of report on the execution of process u/s 82 Cr.P.C. on **18.03.2024** and appearance of accused Pankaj in pursuance of proclamation on 18.03.2024 **at 10.00 A.M.**, and further proceedings on **18.03.2024**.

A copy of this order be sent to SHO PS Kotwali for compliance.

(Virender Kumar Kharta)
ASJ/FTC-02(CENTRAL)
TIS HAZARI COURTS:DELHI :08.01.2024