

FIR No. 666/16
State Vs. Mohd. Kasim etc.
PS : Sarai Rohilla

21.04.2018

Present: Sh. Wasi-Ur-Rehman, Addl. PP for State.
Mohd. Saleem, counsel for complainant.
Accused Mankoosh and Kehkashan on bail.
Remaining accused in JC.
Sh. B. A. Khan, counsel for Shahadat Hussain.
Sh. Pawan Saxena, counsel for Gulam
Mohammad.
Ms. Samia, proxy counsel for Sh. Aditya
Aggarwal.

PW2 Mr. Farihana is present for further cross-examination on behalf of Kasim and Kehkashan accused. Case was scheduled to be taken up at 12 noon. Sh. Aditya Aggarwal, concerned counsel who is to cross-examine PW2 has not come present.

Ms. Samia, Proxy counsel submits that today in the morning, she received call from wife of Sh. Aditya Aggarwal, Advocate that he would not be able to appear in Court today because of illness.

Counsel for complainant and learned Addl. PP are opposing adjournment on the ground that PW2 Ms.

Farihana was not cross-examined even earlier and adjournment was sought on behalf of Kasim and Kehkashan accused. PW2 is suffering from diabetes and even then she has come, as further submitted.

Record reveals that on 30.01.2018 PW2 Ms. Farihana Irfat was present and her cross-examination on behalf of Mankoosh, Kehkashan and Mohd. Kasim was deferred on the ground that concerned counsel Sh. Aditya Aggarwal had not come to courts as his grandmother had left this world. The fact remains that even today, PW2 is to be sent back unexamined. Had the counsel timely informed counsel for complainant, he would have advised the witness not to attend the Court, in view of the fact that the case was scheduled to be taken up at 12 noon. Proxy counsel admits her fault in this regard.

Be put up on 07.07.2018, at 12 noon, for cross-examination of PW2 Ms. Farihana.

Since adjournment is being opposed to and proxy counsel for Kehkashan and Mohd. Kasim is unable to tell as to from which aliment, learned counsel is suffering from which has prevented him from appearing in Court today, as insisted on behalf of complainant, Learned counsel for Kasim and Kehkashan to file medical certificate to justify his absence today.

Longer date is given as witness submits that she would not be able to attend Court because of Ramzan (fasting period) from 15th May 2018 and in June, 2018 and also because number of cases have already been listed for evidence in May 2018 and further because this is designated court for cases under NDPS Act and as per the directions issued by Hon'ble Apex Court in case **“Thana Singh Vs. Central Bureau of Narcotics”**, (2013) 2 Supreme Court Cases 590, all cases other than the cases under NDPS Act are to be taken up after the cases under NDPS are cleared and priority is to be given to the cases under NDPS Act, but many murder & other session cases are pending for evidence.

(Narinder Kumar)
Special Judge-2:NDPS Act(Central)
Tis Hazari Court:Delhi
21.04.2018