

FIR No. : 666/16
PS : Sarai Rohilla
State v. Mohd. Kashim etc.

13.07.2018

Present: Sh.Wasi-Ur-Rehman, Addl. PP for the State.

Accused Gulam Mohamad in JC.

Notices issued by the court has been duly served upon Sh. Yatinder Kumar Sanwaria, Counsel from DLSA and Sh. Pawan Kumar Saxena Advocate earlier engaged by the accused.

Fresh notice be issued to Sh.Pawan Kumar Saxena Advocate, for 24.07.2018.

As regards bail application of two other accused Mohd. Kasim and Shahdat, none has appeared on behalf of Shahdat whereas bail application of Mohd.Kasim is scheduled to be taken up at 1:00 p.m. Accordingly, file be put up at 1:00 p.m.

Gulam Mohamad accused be sent back for being produced on 24.07.2018 so that he may have interview with Counsel from DLSA, to whom fresh notice be issued.

(Narinder Kumar)
Special Judge NDPS – 02 (Central)
Tis Hazari Courts, Delhi.13.07.2018

At this stage, Sh. Pawan Saxena Advocate has come present. He submits that he has not brought copies of challan

and accompanying documents and that he shall bring the same on 24.07.2018.

(Narinder Kumar)
Special Judge NDPS – 02 (Central)
Tis Hazari Courts, Delhi.13.07.2018

At this stage, Sh. Yatinder Kumar, Counsel from DLSA for accused Gulam Mohamad has appeared and noted down next date of hearing I.e.24.7.18.

(Narinder Kumar)
Special Judge NDPS – 02 (Central)
Tis Hazari Courts, Delhi.13.07.2018

FIR No. : 666/16
PS : Sarai Rohilla
State v. Mohd. Kashim etc.

13.07.2018

Present: Ms. Samai, Counsel for accused-applicant Mohd. Kasim.

Sh.Wasi-Ur-Rehman, Addl. PP for the State.

Dr. Kirti Sharma, Senior Resident of Psychiatry is present from IHBAS. She has submitted report dated 12.07.2018, with copies of medical record.

Arguments heard. File perused.

Wait for orders.

(Narinder Kumar)
Special Judge NDPS – 02 (Central)
Tis Hazari Courts, Delhi.13.07.2018

Order

This second bail application has been filed on behalf of accused Mohd. Kasim on the ground that accused-applicant, who is suffering from Epilepsy attacks is likely to suffer more loss to his health, during his detention in custody.

Learned Counsel for accused-applicant submits that accused-applicant is not being given proper medicines as per prescription of doctors of IHBAS, and as such he be released on bail, so that he may get himself properly and medically treated.

2. Learned Addl. Public Prosecutor opposes the bail application on the ground that in view of the report today submitted by Dr.Kirti Sharma from IHBAS, patient has shown

improvement on the treatment provided so far. Further, it is submitted that there is no better institute other than IHBAS for medical treatment of the accused-applicant.

3. As per report dated 12.07.2018 submitted by Dr. Kirti Sharma, Senior Resident, Psychiatry, IHBAS, patient has been diagnosed as a case of Seizure Disorder (Epilepsy) with Dissociative Convulsions (Pseudoseizures) and is being co-managed by Departments of Psychiatry, Neurology and Clinical Psychology on OPD basis for his clinical condition and that patient has shown improvement on the treatment provided so far.

Court has enquired from Dr.Kirti Sharma as to how many times, accused-applicant need to be taken to IHBAS for medical check up. The Senior Resident submits that he needs to be brought to the IHBAS only once in a month. She further submits that the patient is being given proper medical treatment and that is why he has shown improvement.

4. Report dated 07.06.2018 has already been received from Medical Officer Incharge, Central Jail No.5 that the accused-applicant is under regular follow-up from IHBAS Neurology Department, CJ-05 Dispensary, visiting SR Medicines CJH and SR Neurology, G.B.Pant Hospital. He has also reported that the accused-applicant is receiving all the prescribed medicines from Jail Dispensary.

5. In view of the two reports submitted before this

court, there is no merit in the ground that accused-applicant Mohd. Kasim deserves to be released on bail for his better treatment. **Bail application of accused Mohd. Kasim is hereby dismissed.**

Announced.

(Narinder Kumar)
Special Judge NDPS – 02 (Central)
Tis Hazari Courts, Delhi.13.07.2018

FIR No. : 666/16
PS : Sarai Rohilla
State v. Mohd. Kashim etc.
13.07.2018

Present: Counsel for accused-applicant Shahdat Hussain (**in bail application no.210/18**).

Sh.Wasi-Ur-Rehman, Addl. PP for the State.

Arguments heard on bail application filed on behalf of Shahdat Hussain accused.

Learned Counsel for accused-applicant submits that complainant has already been examined and because of this change in the circumstances, accused-applicant be allowed bail.

Learned Addl. Public Prosecutor opposes bail application on the ground that grave charge has been levelled against the accused-applicant and as such he does not deserve to be released on bail, at this stage, particularly when brother and husband of the complainant remain to be examined.

Record reveals that first bail application came to be dismissed on 04.08.2017. Second bail application of the accused-applicant was dismissed vide detailed order dated 16.03.2018. Accusation levelled against the accused is that on 28.10.2016 at about 7:00 p.m., complainant Ms. Farhen Irfan was present at her house at Second floor, 313/84B, Street No.6, Tulsi Nagar, Inderlok, Delhi, while her husband was away to Sadar Bazar. At that time, Kehkashan (accused) who

resides on the first floor of the same building, came to her on the second floor to show her a letter. At the same time, four boys (as per prosecution version Mohd.Kashim, Gulam Mohd. Sahadat Hussain (accused-applicant) and Natia-accused) armed with guns and knives also entered the house of the complainant. Aforesaid four boys, firstly, applied tape on the mouth of Kehkashan and thereafter, on the mouth of the complainant. All the four boys named above were raising alarm that shots be fired at the complainant and that she should be stabbed. As informed by the complainant, she was subjected to beatings with hands and with butts of the pistols.

Those boys then removed from her hands karas, one ring, pair of kundal. They also removed some Saudi Rials, cash worth Rs.2 lac, a pair of silver paiyeb from the almiraha lying there and also a mobile phone-I phone 6 S which was being charged there. One cash box lying there was also removed by them. All of them, then ran away and the complainant shut the door.

As further stated by the complainant, after having come to the balcony, she raised alarm, whereupon her brother Ayaz with the help of some persons from the public captured then and there two of the robbers namely Mohd. Kasim (accused) and Gulam Mohd.(accused).

Kahkashan-accused was also arrested.

Police was informed whereupon SI Vishwanath

reached the spot. Both the above named accused Mohd. Kasim and Gulam Mohd. were produced before him. One countrymade pistol was recovered from each of these two accused. Four live cartridges were recovered from Mohd. Kasim and two live cartridges were recovered from Gulam Mohd. The SI conducted proceedings in this regard, arrested both these accused and by sending rukka got this case registered.

It is also case of prosecution that entry of five accused to and exit from house of complainant was recorded in the CCTV camera installed at the house of the complainant.

During investigation, it transpired that aforesaid two accused Kasim and Gulam Mohd., after their arrest pointed out towards the house of Kehkashan, co-accused. Investigation further revealed that Mankoosh Ali-accused was in regular contact with co-accused Kehkashan and that Mankoosh Ali contacted co-accused Kasim on 17.10.16 and also on 28.10.16 four times in between 7:46:15 and 11:29:16 a.m., as per electronic evidence.

Case of the prosecution is that name of accused Mankoosh Ali and Shahadat Hussain (accused-applicant) appeared in disclosure statement of Mohd. Kasim and Gulam Mohd. and it was at their pointing out that they were arrested.

It is also submitted by IO that Mohd. Kasim-accused is a co-villager of Mankoosh Ali-accused and that

Mankoosh Ali used to reside in a house, at a distance of 100 meters from co-accused Kehkashan.

It is case of prosecution that Shahadat Hussain-accused-applicant was arrested and from his possession a part of the case property i.e. 8 Saudi Rials of the complainant were recovered, at his instance on 18.12.16, after he surrendered on 16.12.16.

Accordingly, charge for an offence u/s 120B IPC, 395 IPC, 457 IPC and 412 IPC has been framed against the accused-applicant.

Complainant, while appearing in court as PW2 has narrated the role played by the accused-applicant.

Case is coming up for remaining prosecution evidence on 10.09.2018.

PW1 Suresh , who installed CCTV camera at the house of the complainant and PW4 Ct.Amit Kumar, member of the mobile crime team, already examined in part have been ordered to be summoned for said date.

Keeping in view the grave accusation levelled against the accused, court does not find any ground to release accused-applicant Shahdat Hussain on bail. Bail application no.210/18 is hereby dismissed.

Announced.

(Narinder Kumar)
Special Judge NDPS – 02 (Central)
Tis Hazari Courts, Delhi.13.07.2018