

State Vs. Mohd. Sofiyan

CNR No.: DLCT01-005730-2021

SC No. 269/2021

FIR No. 285/2020

Under Sections 308/34 IPC

PS Nabi Karim

17.01.2026

Present : None for the State.

Mr. Anil Kumar Kamboj, Ld. Legal Aid Counsel for the accused, namely, Mohd. Sofiyan. (*through video conferencing*)

Mr. Harish Kumar, Ld. Counsel for the accused, namely, Mohd. Sofiyan.

Accused, namely, Mohd. Sofiyan is present.

Accused Safe @ Naim Golu is not present.

Process Server HC Bijender Singh is present.

NBWs issued against accused Mohd. Sofiyan has been received back unserved with the remarks that the accused was not found traceable at his address available on record. Nevertheless, the accused has now entered appearance and moved an application for cancellation of NBWs issued against him. Further, Mr. Harish Kumar, Ld. Counsel has filed fresh *vakalatnama* on behalf of the said accused.

At request, matter is passed-over.

Abhishek Goyal
ASJ-03, Central District,
Tis Hazari Courts, Delhi
17.01.2026

It is 11.00 a.m

Present : Sh. Prashant Chaudhary, Ld. (Substitute) Addl. PP for the State.

Mr. Anil Kumar Kamboj, Ld. Legal Aid Counsel for the accused, namely, Mohd. Sofiyan. (*through video conferencing*)

Mr. Harish Kumar, Ld. Counsel for the accused, namely, Mohd. Sofiyan.

Accused, namely, Mohd. Sofiyan is present.

Accused Safe @ Naim Golu is not present.

Contd..2/-

At this stage, Ld. Counsel for the accused, namely, Mohd. Sofiyan has submitted

It is stated in the application that the accused could not appear before Ld. Predecessor Judge on 24.09.2025 due to some miscommunication between the Ld. Counsel as well as the accused. Subsequently, on 19.12.2025, the accused could not appear before this Court as he was not keeping well. Ld. Counsel for the accused /applicant reiterated the said submissions, and submitted that the reasons for non-appearance of the accused were neither deliberate nor intentional and that it was solely due to inadvertence and his medical condition that the accused could not appear before the court on 24.09.2025 and 19.12.2025, respectively. Therefore, it is prayed that the NBWs may be recalled.

Per contra, Ld. (Substitute) Addl. PP for the State has vehemently opposed the present application on the ground that despite directions, the accused has deliberately failed to appear before this Court leading to issuance of NBW against him on 24.09.2025 and 19.12.2025.

Arguments heard. Record perused.

Notably, from a perusal of the record, it is observed that on 24.09.2025, the accused Mohd. Sofiyan did not enter appearance before the Ld. Predecessor Judge, leading to issuance of NBWs against him. Subsequently, on 19.12.2025, an application for exemption of the accused Sofiyan was moved. However, it was observed that since the NBWs issued against the accused had returned unserved with the remarks that the accused was not found traceable at his address available on record. Further, since the Ld. Counsel for the accused was not aware of

the present whereabouts of the accused, the said application for exemption was not allowed by this Court. Needless to mention that no documents for such exemption was filed by / on behalf of the accused on the said date. Accordingly, this Court had issued fresh NBWs against the accused.

Nonetheless, in light of the foregoing, and considering the submissions addressed before this Court as well as being wary of the reasons for non-appearance of the accused on the earlier occasions, as submitted by Ld. Counsel for the accused, this Court deems it prudent to recall/ cancel the NBWs issued against the accused, namely, Mohd. Sofiyan.

Accordingly, the **NBWs issued against the accused Mohd. Sofiyan is recalled, subject to deposit of cost of Rs. 2,000/- in DLSA, Central.** The accused is warned to be careful in future. Further, the accused is directed to file his fresh address on an affidavit during the course of the day.

In the interest of justice, list for further proceedings on **18.02.2026**.

Process Server HC Bijender Singh is present in respect of Section 82 Cr.P.C proceedings *qua* accused Safe @ Naim, however, he is discharged today, at request.

Copy of this order be given *dasti* to Ld. Counsel for the accused. **A copy of this order be also marked to the concerned SHO/IO for record, intimation and necessary action.**

Issue fresh notice to Process Server HC Bijender Singh, No. 468/C, PS Nabi Karim Delhi to be physically present before this Court on the next date of hearing

Abhishek Goyal
ASJ-03, Central District,
Tis Hazari Courts, Delhi
17.01.2026

It is 01.05 p.m.

At this stage, receipt of payment of cost of Rs. 2,000/- in DLSA as well as affidavit furnishing fresh address of accused Mohd. Sofiyan have been filed. Same is taken on record.

Abhishek Goyal
ASJ-03, Central District,
Tis Hazari Courts, Delhi
17.01.2026