

SC 269/2021
FIR No. 285/2020
PS Nabi Karim
State vs. Mohd. Sofiyan

20.07.2026

Present: Sh. Gyan Chandra Soni, Ld. Addl. P.P. for State.
Accused Sofiyan is present on bail.

The accused has submitted that his Counsel is not available. The accused had not cross-examined the witness Dharmender on 27.04.2022 as his Counsel had sought adjournment for cross-examination of this witness. Adjournment is sought for preparation of cross-examination. Liberty was accordingly granted to Ld. Counsel for accused. Now opportunity is again granted to the accused to cross-examine this witness however his main Ld.Counsel is not present and accused has submitted that his Counsel is not well who is suffering from fever. No application is moved in this respect by accused. Hon'ble Supreme Court of India in case title **Sovaran Singh Prajapati Vs. State of Uttar Pradesh 2025 INSC 225** has laid down at para no. 20.2 that where case is of serious nature, where the accused has not engaged any Advocate then Legal Aid Counsel has to be offered to the accused which will otherwise infringe Article 21 of Constitution of India. Further guidelines are laid down at para no. 23.2. It is laid down at para no. 23.6 that it the duty of the Court to provide meaningful Legal Aid Counsel to the accused at the request of the State where the accused on account of indigence,

poverty and illiteracy could not contest his case. The right of fair trial is sanctioned under Article 21 and Article 22 Constitution of India. At para no. 33.2 reference is made to Article 67 of International Criminal Court which provides for allowing Legal Aid Counsel to the accused. Where the offence is punishable upto 10 years then an Advocate having practice upto 10 years is to be given to the accused. Accordingly, in **case titled Anokhilal Vs. State of M.P.** it was held by Hon'ble Supreme Court of India in Criminal Appeal No. 62-63 of 2014 that there should be just application of principles of fair trial to find out the truth and prevent miscarriage to justice. It was laid down at para no. 10. Further principles are discussed at para no. 13. It was also directed that time be granted to the appointed Amicus Curiae to prepare the case and about 7 days minimum time need to be given. Similarly, appointment of Amicus Curiae was directed by Hon'ble Supreme Court of India in case title Shankar Mahto Vs. State of Bihar 2026 INSC 369. In these facts and circumstances of the case, it seems that the main Counsel for the accused have to cross-examine the witness on the day of examination-in-chief in itself on 27.04.2022 which is not done. Today, also the witness Dharmender is present but the main Counsel is not present. No such application is moved by Ld. Counsel to see if sufficient opportunity was available to the accused to engage another Ld. Counsel. In the facts and circumstances of the case it is held desirable that Legal Aid Counsel be given to the accused to properly represent his case in this matter.

Accordingly, designated Ld. Deputy LADC Sh. Diwakar Chaudhary attached with the present Court is hereby appointed as Ld. Deputy LADC for the accused Sofiyan for further prosecution of his matter. Copy of this order be sent to Ld. Secretary, DLSA for necessary record, information and appointment of Ld. Deputy LADC for accused Sofiyan. **Copy of this order be given as Dasti to Ld. Deputy LADC Sh. Diwakar Chaudhary.**

Accordingly, witness PW-1 Dharmender who is discharged unexamined so that Ld. LAC comes with preparation for cross-examination in this matter and the witness to appear for recording of evidence on **12.08.2026**. The witness present today is bound down for NDOH.

(Joginder Prakash Nahar)
ASJ (FTC)-1,
Central District, Tis Hazari Courts,
Delhi/20.07.2026