

State Vs. Chander Kant @ Sonu & Ors.

CNR No.: DLCT01-007047-2023

SC No. 311/2023

FIR No. 307/2020

PS : DBG Road

10.03.2026

Present : Sh. Amit Dabas, Ld. Addl. PP for the State.
The accused persons, namely, Chander Kant @ Sonu and Guru Kumar @ Garia are not present.
Accused person, namely Nilesh @ Kale is present.

Non-bailable warrants issued against the accused, namely, Nilesh @ Kale have returned un-executed with the remarks that the accused was not found present at his address, available on record. However, the accused namely, Nilesh and his surety Ms. Sushma Devi have now entered appearance.

The matter is passed-over as accused persons, namely, Chander Kant and Guru Kumar are not present. Further, IO SI Manoj is not present despite service.

Abhishek Goyal
ASJ-03, Central District,
Tis Hazari Courts, Delhi
10.03.2026

It is 2:30 p.m.

Present : Sh. Amit Dabas, Ld. Addl. PP for the State.
Mr. Ashish Sharma, Ld. Counsel for the accused, namely, Nilesh @ Kale.
The accused persons, namely, Chander Kant @ Sonu and Guru Kumar @ Garia are not present.
Accused person, namely Nilesh @ Kale is present.

At this state, an application seeking cancellation of NBWs have been moved on behalf of accused Nilesh @ Kale along with fresh *vakalatnama* by Mr. Ashish Sharma, Ld. Counsel.

Contd..2/-

It is stated in the application that the accused could not appear before this Court on the last occasion that on 04.02.2026 as the applicant's mother was not keeping well. Accordingly, it is submitted that the reasons for non-appearance of the accused were neither deliberate nor intentional and that it was solely due to the ill-health of applicant's mother that the applicant could not appear before this court on 04.02.2026. Therefore, it is prayed that the NBWs may be recalled.

Per contra, Ld. Addl. PP for the State has vehemently opposed the present application on the ground that despite directions, the applicant has not been appearing in the present case since 26.08.2025 and that despite passage of three subsequent occasions, the accused has only entered appearance today. Further, Ld. Addl. PP for the State has submitted that the application is unsupported with any documentary proof.

Arguments heard. Record perused.

Notably, from a perusal of the record, it is observed that the accused has not been entering appearance before Ld. Predecessor Judge on 26.08.2025. Subsequently, on 21.11.2025, 16.12.2025 and 04.02.2026, the accused failed to enter appearance before the Ld. Predecessor Judge as well as this Court, upon transfer. Correspondingly, it is observed that in the present application only the reasons for absence of the accused on 04.02.2026 have been specified, however, the same have still not been corroborated by any documentary proof. However, in the interest of justice, exigency expressed with the medical condition of the applicant/accused's mother, inclination of the accused to be diligent in future and considering the submissions addressed before this Court, this Court deems it prudent to recall the NBWs issued against the accused, namely, Nilesh @ Kale.

Accordingly, the **NBWs issued against the accused Nilesh @ Kale is recalled, subject to deposit of cost of Rs. 5,000/- in DLSA, Central, on or before the next date of hearing.** The accused is warned to be careful in future. Further, surety Ms. Sushma Devi has assured this Court that the accused would be diligent in future. Accordingly, the surety stands restored.

Accused Chander Kant @ Sonu and Guru Kumar @ Garia have not entered appearance despite passover and despite repeated calls. It is seen from record that the matter is pending for arguments on charge since 22.05.2023 before Ld. Predecessor Judge, and it is seen from the records that one or the other accused had not entered appearance either before the Ld. Predecessor Judge or before this Court, upon transfer on 21.11.2025. Needless to reiterate that accused Chander Kant @ Sonu and Guru Kumar @ Garia are neither present nor represented despite passover and despite repeated calls.

Accordingly, **issue non-bailable warrants against the accused persons, namely, Chander Kant @ Sonu and Guru Kumar @ Garia as well as notices under Section 446 Cr.P.C./Section 491 BNSS against their respective sureties for the next date of hearing.**

At this stage, Ld. Addl. PP for the State has submitted that assistance of IO is required for enabling him to address arguments on charge. However, it is noted that IO SI Manoj is neither present nor any reason for his absence, forthcoming.

Issue bailable warrants against IO SI Manoj in the sum of Rs. 5,000/- for the next date of hearing.

In the interest of justice, list for arguments on charge on **15.04.2026.**

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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.

Abhishek Goyal
ASJ-03, Central District,
Tis Hazari Courts, Delhi
10.03.2026