

SC No. 386-21
FIR No. 1127-20
PS Nangloi
State Vs. Manoj Kumar @ Manoj Shokeen and anr.

20.03.2023

Present : Ld. Substitute Addl. PP for the State.
Sh. Binay Kumar, AR for the complainant company
with Ld. Counsel.
Accused No.1 is present with Ld. Counsel Sh.
Fanish K. Jain.
**Accused Sandeep already stand declared PO vide
order dated 05.04.2022.**
Accused Naresh is present with Ld. Counsel Sh. C.P.
Malik.
Fresh vakalatnama on behalf of accused Naresh also
stand filed.

The matter is fixed today for the purpose of PE.

The court has waited for the Ld. Addl. PP for the
State of this court till 11.45 a.m but there is neither any
intimation w.r.t absence of the Ld. Addl. PP for the State nor any
Ld. Addl. PP for the State is present till this time. The telephonic
communication was sent to the Ld. Chief PP office but no
positive response was received and accordingly, firstly one of the
Naib Court was sent to the Ld. Chief PP and the court waited for
15 minutes but no communication was received and accordingly,
second Naib Court was sent to the office of Ld. Chief PP who
intimated that another Substitute Ld. Addl. PP for the State has
been assigned to this court.

The undersigned has taken charge of this court in
July 2021 and during this period of around 1.5 years, 5 Ld. Addl.
PP for the State have been changed by the Prosecution Branch
without any intimation to the undersigned or without assigning

any reason for the change of said 5 Ld. Addl. PP for the State. Furthermore, on each and every day, Ld. Addl. PP for the State is not available at the morning hours and they have to be called through Naib Courts or by sending intimation to the office of Ld. Chief PP.

Accordingly, it seems that the Ld. Chief PP is not serious w.r.t functioning of this court and that is why over a span of 1.5 years, 5 Ld. Addl. PP for the State have been changed.

In the absence of the Ld. Addl. PP for the State, it is very difficult to try the State cases pending before this court leading to the delay in recording of evidence, for want of Ld. Addl. PP for the State, by adjourning the matters by discharging the witnesses without their examination, leading to the wastage of court time and the resources.

Accordingly, let the matter be brought to the knowledge of Ld. Registrar General, Hon'ble High Court of Delhi through the office of The Ld. Principal District & Sessions Judge (HQ), Tis Hazari Courts, Delhi and in the meanwhile an explanation be also sought from the Ld. Chief PP w.r.t his negligence (as observed in the above paras) in assigning a regular Ld. Addl. PP for the State and assigning and transferring 5 Ld. Addl. PP for the State over a period of 1.5 years in the court of undersigned.

Ld. Chief PP is directed to file explanation by the next date of hearing i.e. 24.03.2023.

Naib Court is directed to serve a copy of this order upon Ld. Chief PP personally for his compliance.

At this stage, PW4 examined, cross examined and discharged. PW ASI Sunil Kumar who is present is discharged

unexamined as the Ld. Substitute Addl. PP for the State submitted that he has to rush to other court from where he has been called and deputed by the office of Ld. Chief PP in this court and he has to leave midway during the examination of a POCSO witness in that court, for attending this court.

Accordingly, put up for remaining PE now on **24.03.2023, the date already fixed.**

(Vinay Singhal)
ASJ (Electricity) - 01,
Central/Tis Hazari Courts/Delhi
20.03.2023