

State Vs. Rahul Kumar Pal & Ors.

CNR No. DLCT01-011251-2022

SC No. 501/2022

FIR No. 111/2022

P.S Lahori Gate

09.02.2024

Present : Mr. Amit Dabas, Ld. Addl. PP for the State.
Mr. R.D. Singh, Ld. Counsel for accused persons,
namely, Rahul Kumar Pal and Monu.

Copy of the application under Sec. 216 Cr.P.C., moved by the Ld. Addl. PP for the State has been provided to Ld. Counsel for the accused persons, namely, Rahul Kumar Pal and Monu in Court today.

Request for exemption is made by / on behalf of IO ASI Rajeev Kumar on the ground that he has to attend law course at PS Barakhamba. For the reasons stated therein, the exemption is allowed for today only.

Pertinently, on the last date of hearing, IO was directed to be present before the Court along with the laptop to enable the playing of relevant CCTV footage, however, in case of unavailability of the IO today, it was expected that an alternate arrangement regarding the same should have been made by the concerned IO/SHO. However, no such efforts have been made. Pertinent to note that the matter is at the stage of arguments on charge and the appreciation of the said CCTV footage is relevant for the said purpose.

Accordingly, **issue notice to the concerned SHO as well as IO** to be physically present before this Court **along with a laptop** in order to enable playing of relevant video recording / CCTV recording on next date of hearing. In case of unavailability of either or both of the said officer on the next

Contd...2/-

date of hearing, it is expected that an alternate arrangement regarding the same is made so that the CCTV footage is played before the Court. **Copy of this order be sent along with the notice. Further, a copy of the present order be also marked to the concerned DCP** to ensure that a responsible officer is present before this Court with a laptop on the next date of hearing.

The matter is passed-over as the accused persons have not been produced from judicial custody.

Abhishek Goyal
ASJ-03, Central District,
Tis Hazari Courts, Delhi
09.02.2024

It is 03.25 p.m.

Present : Mr. Amit Dabas, Ld. Addl. PP for the State.
Mr. R.D. Singh, Ld. Counsel for accused persons, namely, Rahul Kumar Pal and Monu.
Mr. Salimuddin, Ld. Proxy Counsel for Mr. Zia Afroz, Advocate for the accused, namely, Viresh.
The accused persons, namely, Rahul Kumar Pal and Monu have been produced from judicial custody.
The accused, namely, Viresh is not produced from District Jail, Firozabad.

It is observed that the accused, namely, Viresh has not been produced from judicial custody from Firozabad, U.P. Jail. Further, it is observed from a perusal of case record, the accused, namely, Viresh has not been produced before this Court from past several occasions. Accordingly, **issue notice to the Jail Superintendent, District Jail, Firozabad, through the concerned IO**, to produce the accused, namely, Viresh *physically*, before this Court on the next date of hearing.

Also **issue notice to DG, Prisons, District Jail Firozabad, U.P.** to ensure that the accused, namely, Viresh is produced before this Court on the next date of hearing.

In the interest of justice, list for arguments on charge on **22.02.2024**.

At this stage, Mr. Salimuddin, Ld. Proxy Counsel for the accused, namely, Viresh has submitted that on instructions, the accused does not want to press his pending bail application and that the same may be permitted to be withdrawn. Separate statement of Ld. Proxy Counsel for the said accused has been recorded.

In light of the aforesaid, the application under Section 439 Cr. P.C. for regular bail in respect of the accused, namely, Viresh is ***dismissed as withdrawn***.

Abhishek Goyal
ASJ-03, Central District,
Tis Hazari Courts, Delhi
09.02.2024