

Shibu @ Shiv Kumar v. State
CNR No.: DLCT01-013622-2025
Crl. Appeal No. 399/2025

01.06.2026

Cisco Webex of this Court is not operational at this stage due to internet connectivity issues.

Present : None for the appellant.
Mr. Amit Dabas, Ld. Addl. PP for the State/respondent.

TCR has not been received despite requisition.

No report on execution of non-bailable warrants issued against the appellant is forthcoming.

However, a report on execution of notice issued to the surety has been received, wherein the same is stated to have been duly executed. Nonetheless, surety, namely, Ms. Rajni is not present despite repeated calls.

It is observed that in several matters, the processes issued by this Court have not returned. Further, no explanation regarding the same is forthcoming from the concerned In-charge, VB. Accordingly, **a copy of this order be marked to the concerned DCP** to look into the issues raised by this Court and take necessary step in this regard.

In the interest of justice, list for further proceedings on **21.08.2026**.

Issue notice to the concerned In-charge, VB to tender written explanation for the reasons for non-receipt of report on NBWs, issued by this Court today.

Issue fresh non-bailable warrants against the appellant, namely, Shibu @ Shiv Kumar and notice under Section 446 Cr.P.C./Section 491 BNSS against his surety for the next date of hearing.

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TCR be requisitioned forthwith.

Abhishek Goyal
ASJ-03, Central District,
Tis Hazari Courts, Delhi
01.06.2026

It is 11:40 a.m.

Present : Ms. Kalash, Ld. Proxy Counsel for Mr. Sunil Tiwari, Ld. Counsel for the appellant.
Appellant Shibu @ Shiv Kumar has been produced from judicial custody.
Ms. Rajni, surety of the appellant.
Mr. Amit Dabas, Ld. Addl. PP for the State/respondent.

At this stage, appellant, namely, Shibu @ Shiv Kumar has been produced from judicial custody.

It has been further brought to the notice of this Court that pursuant to order dated 31.05.2026, the appellant has been taken into custody by the concerned Ld. Duty Magistrate, upon execution of NBWs issued against the appellant.

At this stage, the documents pertaining to the execution of NBWs issued against the appellant have been received by this Court from the Court of concerned Ld. Duty Magistrate. Same are perused and taken on record.

It is seen from the records that the appellant did not enter appearance before this Court on 17.02.2026 despite repeated calls and pass-over. Further, Ld. Counsel for the appellant had submitted on the said date that he was not aware of the whereabouts of the appellant. Consequently, this Court was pleased to issue bailable warrants against the appellant on the said date.

Subsequently, on 23.03.2026, bailable warrants issued against the appellant had returned unexecuted with the

remarks the appellant was not found traceable at his address available on record. Consequently, fresh bailable warrants were issued against the appellant for 04.05.2026. However, in the meanwhile, on 28.04.2026, an application for surrender was moved on behalf of the appellant. Nevertheless, even on the said date, neither the appellant had entered appearance nor was he represented by any counsel despite repeated calls. Thereafter, 04.05.2026, there was no representation on behalf of the appellant, besides the appellant was also not present despite repeated calls till 02:25 p.m., whereupon, this Court pleased to issue non-bailable warrants against the appellant.

As aforementioned, non-bailable warrants issued against the appellant have returned executed on 31.05.2026 before the concerned Ld. Duty Magistrate, whereupon the concerned Ld. Duty Magistrate was pleased to take the appellant into custody as no application for bail/cancellation of NBWs was moved on behalf of the appellant before the Ld. JMFC.

Even today, no application for bail or for waiver of deposit of fine by the surety has been moved on behalf of the appellant/surety. On the contrary, Ld. Proxy Counsel for the appellant as well as the appellant have pressed on the appellant's pending application for surrender of the appellant in the present case.

Consequently, in view of the above and considering that no application for bail is forthcoming, the **appellant is taken into custody in the present case.**

At this stage, Ms. Rajni, surety of the appellant has requested for deposit of amount of surety.

The appellant, Ld. Proxy Counsel for the appellant and his surety, namely, Ms. Rajni are apprised of today's order

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and the next date of hearing *i.e.* **21.08.2026**.

The appellant is further apprised his right to move an application for bail in the present case.

Further, in light of the aforesaid, directions for issuance of **non-bailable warrants against the appellant, notice to his surety and the marking of the present order to the concerned DCP and In-charge, VB are hereby recalled.**

Abhishek Goyal
ASJ-03, Central District,
Tis Hazari Courts, Delhi
01.06.2026