

**State Vs. Swapnil & Ors.**

CNR No.: DLCT01-018221-2021

SC No. 748/2021

FIR No. 30/21

P.S Darya Ganj

11.03.2024

**At 12.30 p.m.**

Present : Mr. Amit Dabas, Ld. Addl. PP for the State.  
Sh. Sagar Verma Ld. Counsel for the applicant/  
accused, namely, Vijay Kumar.  
Mr. Nikhil Sharma, Ld. Counsel for Mr. Mukesh  
Kalia, Ld. Counsel for accused, namely, Swapnil.  
Accused namely, Swapnil. (*through video  
conferencing from CJ-01*).  
Accused Farman, Vijay Kumar and Arpit produced  
from judicial custody.  
Accused Akash @ Hunny in person.

Matter is listed today for orders on Charge *qua* accused namely Akash @ Hunny. However, from perusal of the case record, it is observed that against the order of discharge of the said accused passed by Ld. Predecessor Judge on 03.04.2023, a revision petition has already been preferred by the State, which is pending adjudication before the Hon'ble High Court of Delhi.

Further, it is observed from the perusal of the supplementary charge-sheet that the basis thereof is the FSL Report dated 30.08.2022 and certificate of transcription dated 08.03.2022. As aforementioned, charges in the present case were already framed on 03.04.2023, whereby the accused Akash @ Hunny was discharged.

At this stage, it is submitted by Ld. Addl. PP for the State that at the stage of bail of accused Akash @ Hunny dated 10.01.2023, the IO had made specific submission that no evidence in respect of Video and CDR *qua* the said accused was

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available at that point of time. Accordingly, an order of discharge of the said accused was subsequently passed on 03.04.2023. However, even in the supplementary charge-sheet, the accompanying documents are of the year 2022. Therefore, this Court is unable to comprehend the reasons behind the IO giving a statement that no evidence was available with him or for the reasons for filing the present supplementary charge-sheet in December 2023.

Further, upon a query being posed by this Court from the Ld. Addl. PP for the State regarding the provisions for charging an accused after his discharge on the basis of a fresh supplementary charge-sheet, considering that the matter has proceeded with the recording of evidence, Ld. Addl. PP for the State submits that he would make his submissions regarding the same. Simultaneously, in order to appreciate the aforesaid issue, Ld. Addl. PP for the State has submitted that the earlier and present IO may be summoned for the next date of hearing.

In the interest of justice, list for further proceedings *qua* accused Akash @ Hunny on **21.03.2024**.

**Issue summons to the IO Inspector Ichha Ram and Inspector Raj Kumar** for the next date of hearing.

List for PE on **20.04.2024**.

**PW Sadiq, Ct. Ashwini and Ct. Anil Kumar alongwith the concerned IO be summoned for the next date of hearing i.e. 20.04.2024. IO is directed to carry a laptop on the said date of hearing. Copy of this order be sent with the summons.**

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

11.03.2024

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**At 12.45 p.m.**

Present : Mr. Amit Dabas, Ld. Addl. PP for the State.  
Mr. Nikhil Sharma, Ld. Counsel for Mr. Mukesh Kalia, Ld. Counsel for accused, namely, Swapnil. Accused namely, Swapnil. (*through video conferencing from CJ-01*).  
Dr. Shiv Kumar Soni, Medical Officer, Incharge, CJ-01, Tihar Jail, Delhi is present.  
Dr. Shiv Kumar Soni, Medical Officer, Incharge,

CJ-01, Tihar Jail, Delhi has appeared in compliance with the order passed on the last date of hearing. Dr. Shiv Kumar Soni, in his separate statement, has *inter alia* stated that accused Swapnil has been provided necessary treatment and has been examined by Jail visiting Physiotherapist on 12.02.2024 and 15.03.2024. Further, as per Dr. Shiv Kumar Soni, in so far as accused Swapnil's complaint regarding decrease in movement of right upper limb is concerned, he is under evaluation in the Neurology Department of G. B. Pant Hospital. However, Dr. Shiv Kumar Soni has stated that he is not in a position to confirm whether a regular attendant is provided to the said accused and that the said fact can be confirmed by the jail administration (AS or DS).

Accordingly, in light of the foregoing, **issue notice to the Jail Superintendent** to depute a responsible officer to be present in the Court to confirm the factum of availability of an attendant to accused Swapnil. Copy of this Order be sent alongwith notice.

**Also, issue notice to the concerned Jail Superintendent to produce the accused, namely, Swapnil before this court, physically on the next date i.e. 21.03.2024.**

Abhishek Goyal

ASJ-03, Central District,  
Tis Hazari Courts, Delhi  
11.03.2024

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**At 02.45 p.m.**

Present : Mr. Amit Dabas, Ld. Addl. PP for the State.  
Mr. Lakshay Dhillon, Ld. Proxy Counsel for Mr.  
Mukesh Kalia, Ld. Counsel for accused, namely,  
Swapnil.  
Accused namely, Swapnil. (*through video  
conferencing from CJ-01*).

At this stage, report has been received from the Jail  
in compliance of the order passed on last date of hearing. Copy  
thereof is supplied to Ld. Counsel for accused.

Abhishek Goyal  
ASJ-03, Central District,  
Tis Hazari Courts, Delhi  
11.03.2024