

State Vs. Swapnil & Ors.

CNR No.: DLCT01-018221-2021

SC No. 748/2021

FIR No. 30/21

P.S Darya Ganj

25.07.2024

Present : Mr. Amit Dabas, Ld. Addl. PP for the State.
Mr. Lakshay Dhillon, Ld. Proxy counsel for Sh.
Chetan Pangasa, Ld. Counsel for accused, namely,
Swapnil.
Mr. Vipin Bhardwaj, Ld. Counsel for PW Shabana.

PW Shabana and ASI Veena are present.

PW Sadiq is not present.

Request for exemption, received on behalf of
Inspector Ichha Ram on the ground that he has to attend another
proceeding before the Hon'ble High Court of Delhi in *Crl. M.C.
no. 1347/2024, Vijay Kumar v. State, FIR No. 81/2017, PS Tilak
Marg*. For the reasons stated therein, exemption is allowed for
today only.

Request for exemption, received on behalf of IO
Inspector Raj Kumar on the ground that he has to attend another
proceeding before the Hon'ble High Court of Delhi in *W.P. Crl.
No. 2139/2024*. For the reasons stated therein, exemption is
allowed for today only.

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
25.07.2024

At 01.30 p.m.

Present : Mr. Amit Dabas, Ld. Addl. PP for the State.
Sh. Gaurav Bindal and Mr. Rohit Ranjan, Ld.
Counsel for the accused, namely, Vijay Kumar,
Farman and Arpit.

Sh. Chetan Pangasa, Ld. Counsel for accused, namely, Swapnil.

Mr. Vipin Bhardwaj, Ld. Counsel for PW Shabana. Accused persons, namely, Farman, Vijay Kumar, Swapnil and Arpit have been produced from judicial custody.

Accused Akash @ Hanny is not present despite repeated calls. It is submitted by Ld. Addl. PP for the State that the order of discharge *qua* the said accused is still pending adjudication before the Hon'ble High Court of Delhi and that the arguments on charge may be heard by this Court after the IO obtains clarity on the aspect, whether this Court can proceed with the arguments on charge in this case, from the Hon'ble High Court.

In view of the aforesaid submissions and considering that the arguments on charge are yet to be addressed *qua* accused Akash @ Hanny and as per Ld. Addl. PP for the State, IO is in the process of obtaining clarification from the Hon'ble High Court, this Court nevertheless, proceeds with the recording of evidence of the witness *qua* other accused persons. Needless to reiterate that accused Akash @ Hanny was already discharged by the Ld. Predecessor Judge and subsequent thereto fresh charge-sheet was filed *qua* him.

PW-4 Shabana has been examined in chief and partly cross examined by Ld. Addl. PP for the State. Her further cross examination by the Ld. Addl. PP for the State has been deferred for lunch hours.

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

At 03.45 p.m.

Present : Mr. Amit Dabas, Ld. Addl. PP for the State.
Sh. Gaurav Bindal and Mr. Rohit Ranjan, Ld. Counsel for the accused, namely, Vijay Kumar, Farman and Arpit.
Sh. Chetan Pangasa, Ld. Counsel for accused, namely, Swapnil.
Mr. Vipin Bhardwaj, Ld. Counsel for PW Shabana.
Accused persons, namely, Farman, Vijay Kumar, Swapnil and Arpit have been produced from judicial custody.

PW-4 Shabana has been further partly cross examined by Ld. Addl. PP for the State. Her further cross examination by the Ld. Addl. PP for the State has been deferred at the request of Ld. Addl. PP for the State. It is submitted by the Ld. Addl. PP for the State that the IO is not present and his assistance is required for playing the relevant audio recordings.

It is observed that despite explicit directions from this Court that assistance of IO would be required for recording of evidence of prosecution witnesses, the IO has failed to appear before this Court on one or the other pretext. Even today, exemption has been requested by both the IOs on the ground that they have to attend proceedings before Hon'ble High Court of Delhi. Accordingly, **a copy of this order be marked to the Concerned joint Commissioner to ensure that a responsible officer is present before this Court on the next date of hearing to assist the Ld. Addl. PP for the State in recording the evidence in the present case.**

PW ASI Veena is also present. However, she is discharged unexamined as evidence of a doctor and other witnesses are to be recorded in *FIR No. 523/2022, State v. Govinda Kashyap*.

Contd...../-

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PW Sadiq is not present despite service of summons and despite repeated calls. **Issue bailable warrants in the sum of Rs. 5,000/- against PW Sadiq to be executed through the IO returnable on the next date of hearing.**

List for further arguments on charge as well as for PE on **05.09.2024**.

PW-4 Shabana, ASI Veena, Inspector Raj Kumar (along with laptop) and Inspector Ichha Ram (along with laptop) be summoned for the next date of hearing.

Issue bailable warrants in the sum of Rs. 5,000/- against accused Akash @ Hanny to be executed through the IO returnable on the next date of hearing.

List for arguments on bail application of the accused/applicant Farman on **26.07.2024**.

Abhishek Goyal
ASJ-03, Central District,
Tis Hazari Courts, Delhi
25.07.2024