

SC 892/2022
STATE Vs. DANISH @ ARIF AND ANR.
FIR No. 87 /2021
PS (Gazipur)

05.11.2024

Pr.: Sh. Gaurav Pandey, Ld. Addl. PP for the State.

Accused Danish @ Arif is absent.

Accused Ahsan @ Chacha is present on bail.

Sh. Pankaj Bhushan, Ld. Counsel for both the accused persons.

PWs SI Parvesh, ASI Budh Pal & HC Manoj are present.

HC Manoj has filed reply to notice under Section 350 Cr.P.C. wherein it is mentioned that on 28.08.2024, he could not appear before the Court on time, as his bike went out of order on the way.

Perusal of record shows that B/W along with notice under Section 350 Cr.P.C. was issued against Ct. Manoj for his absence on 03.06.2024 and not for 28.08.2024, when the Court was on leave. Though, it is not mentioned in reply given by Ct. Manoj (now HC), yet he has orally stated that he reached the Court on 28.08.2024 at 2.30 p.m., however, he has admitted that he did not enter the Court room and meet any official of the court on that day. It appears that HC Manoj is not even aware of his day of absence in the Court. So, it is clear that he neither appeared in the Court on 03.06.2024, when B/W along with notice under Section 350 Cr.P.C. was issued against him, nor he appeared in the court on 28.08.2024, when this Court was on leave. Considering the same, no ground is made out to discharge HC Manoj from notice under Section 350 Cr.P.C. Accordingly,

penalty of Rs.100/- is imposed on HC Manoj, who is presently posted in PS Tigri, South District. **DCP, East and DCP, South are directed to deduct Rs.100/- from the salary of HC Manoj and file compliance report before this Court on NDOH.**

Put up again for awaiting appearance of accused Danish.

(Shail Jain)
Principal District & Sessions Judge,
East District, KKD Courts, Delhi.
05.11.2024 (mk)

At 12.10 p.m.

Pr. As before.

Accused Danish @ Arif is absent.

Bail bond of accused Danish @ Arif stands forfeited.

Issue NBW against accused Danish @ Arif with notice to his surety under Section 446 Cr.P.C. for the NDOH.

Witnesses present cannot be examined today due to absence of accused Danish @ Arif.

Put up on **02.12.2024** for awaiting report on NBW issued against accused Danish @ Arif and notice to his surety and awaiting report from DCP, East and DCP, South regarding deduction of Rs.100/- from the salary of HC Manoj.

A copy of this order be sent to DCP, East and DCP, South for compliance.

(Shail Jain)
Principal District & Sessions Judge,
East District, KKD Courts, Delhi.
05.11.2024 (mk)