

NCB Vs Gaurav Kumar & Others

14.12.2018

Present: Sh. B.S. Arora, Ld. SPP for NCB.

Accused Tek Chand and Neel Chand absent.

All other accused are present on bail except accused Yusuf Islam and Anirudh Mathur.

Sh. Ravinder Kumar Singh, Ld. Counsel for accused Anirudh Mathur and Sam Mallick.

Sh. Y.K. Saxena, Ld. Counsel for accused Gaurav Kumar.

Sh. Aahil Arora, Ld. Counsel for accused Yusuf Islam.

Ld. Counsel for accused Tenzin Phunchog is not available.

Process server is not present.

An exemption application has been filed on behalf of accused Yusuf Islam on medical grounds, however, no medical document is annexed with the application. In view of the submissions and in the interest of justice, personal appearance of accused Yusuf Islam is exempted for today only with directions to appear in person on next date alongwith relevant documents in support of the contentions raised today.

An exemption application has been filed on behalf of accused Anirudh Mathur. In view of the submissions made, personal appearance of accused Anirudh Mathur is exempted for today only with directions to appear in person on next date.

Matter today is fixed for awaiting FSL report, filing of E-challan and further arguments on charge, however, Ld. SPP for NCB submits that no report on samples has been received from FSL.

No report is received back on process issued to process server. Let he be summoned afresh in terms of previous orders for the next date.

As requested, matter be renotified for purpose fixed on

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15.02.2019.

At this stage, Ld. Counsel for accused Gaurav Kumar submits that two separate applications filed on behalf of accused are pending disposal. One U/s 91 Cr. PC and another for issuance of necessary direction to NCB/concerned Nodal Officer to provide complete CDR.

Arguments on application for issuance of necessary direction to NCB/concerned Nodal Officer to provide complete CDR heard.

Record perused.

During the course of arguments, it has been submitted by Ld. SPP for NCB as well as Ld. Defence Counsel that prosecution has filed CDR of accused namely Gaurav Kumar, Anirudh Mathur and Tenzin are placed from page no. 119 onwards. It is submitted by Ld. Defence Counsel that CDR is incomplete as it does not show the location of the person making and receiving calls. It is contended that location chart is required for the purpose of just decision of the case. Hence, a request is made to direct NCB/concerned Nodal Officer to supply complete CDR of mobile no. 9811572489, 9911883941, 8377883890.

Ld. SPP for NCB has raised objection to the same on the ground that it is not the stage of defence evidence.

I have gone through the record.

In view of the submissions made, concerned Nodal Officer at this stage is directed to preserve location chart and other records of the abovementioned mobile numbers for the relevant time.

Application stands disposed of accordingly.

Further arguments on application U/s 91 Cr. PC heard. As requested, put up for further arguments on 22.12.2018 at 2 PM.

(Sudesh Kumar II)

Special Judge/NDPS/New Delhi/14.12.2018