

SC No. 378/18

State Vs. Ashish Sharma & Ors.

FIR No. 64/18

PS: Special Cell

29.05.2019

Present: Sh. S.K. Kain, Additional PP for the State.

IO SI Anuj Kumar is also present in person.

Accused Ashish Sharma is present on bail.

Other accused in J/C with Sh. Sumit Sharma, Advocate for accused Asim Ali, Sh. Anil Bhardwaj, Advocate for accused Rajender, Pawan and Praveen and Sh. Samarth, Advocate, proxy counsel for counsel for accused Lalit.

Supplementary charge sheet was filed against accused Akshat Gulia and discussed vide my separate order pronounced in the open court today, I am of the opinion that there is sufficient material on record to proceed to frame charge against him in the present case.

Separate charge under Section 22/28 & 29 NDPS Act framed accordingly against accused Akshat Gulia.

Further, examination in chief of PW-3 Dr. Subhash Chandra, Senior Scientific Officer, FSL, Rohini partly recorded. Remaining statement is deferred for want of examination report of other samples.

Ahlmad is directed to be more vigilant in future with direction that as and when any witness is summoned from FSL for deposition, the entire test/samples report should specifically be mentioned on the summons of the witness.

No other witness is present today.

At request, be put up for remaining PE on 29.07.2019.

Recalled PW-3 and HC Sushil be summoned for the next date. IO and MHCM be also summoned for the next date.

(Anil Antil)

Addl. Sessions Judge-04,
New Delhi District, Patiala House Courts
New Delhi/29.05.2019

29.05.2019

At 2.00 pm

Present: Sh. S.K. Kain, Additional PP for the State.

Accused Ashish Sharma is present on bail with Sh. Kanhaiya Singhal, Advocate.

Other accused in J/C with Sh. Sumit Sharma, Advocate for accused Asim Ali, Sh. Anil Bhardwaj, Advocate for accused Rajender, Pawan and Praveen and Sh. Samarth, Advocate, proxy counsel for counsel for accused Lalit.

The learned Additional PP for the State has submitted that four applications for taking/consent of the voice samples of accused Praveen, Asim, Pawan and Rajender, filed during investigation i.e. prior to filing of charge sheet, are pending consideration.

Heard. Perused the records.

It has been submitted by the learned counsels, appearing on behalf of the aforesaid accused persons, that accused persons are not inclined to give their consent for voice samples, as their voice samples were already taken/recorded, during the course of investigation and that they have apprehension that the same may be used against the during the course of trial.

In view of aforesaid submissions and taking note of the objections and disinclination to give voice samples by the accused persons, and in the light of judgment of **Rakesh Bisht Vs. CBI reported as ILR (2007) 1 Delhi 223, passed in Criminal Revision Petition No. 462/2006**, and that now, charge sheet has been filed, investigation is complete, charges have already been framed and the case is at the stage of evidence, the applications accordingly stand disposed as dismissed, in terms thereof.

Further, reply to bail application of accused Pawan as also reply to application under Section 306 IPC filed on behalf of accused Ashish filed by the IO/prosecution.

During the course of proceedings, Sh. Kanhaiya Singhal, Advocate for accused Ashish submits that he intends to withdraw the present application and seeks permission to file afresh with better particulars. The learned Additional PP has no objection to the same.

Accordingly, the present application under Section 306 IPC moved by accused Ashish is disposed of as withdrawn with liberty to file it afresh.

Under these facts and circumstances, at request, be put up for arguments on the aforesaid applications filed on behalf of accused Pawan and Ashish on 10.07.2019 at 2.00 pm.

(Anil Antil)

Addl. Sessions Judge-04,
New Delhi District, Patiala House Courts
New Delhi/29.05.2019