

Case No. 44537/15

FIR No. 644/15

PS – Khajuri Khas.

State Vs. Mohd. Danish Etc.

06.08.2018

Present: Sh. Dharam Chand, Ld. Addl. PP for the State.

All three accused are present on bail.

Sh. P.L. Behl, Ld. Counsel for all accused.

This is an application filed on behalf of applicants/accused seeking supply of statement u/s 161 Cr. P.C as well as requisite details of name and address etc. of the person shown arrayed as PW1, who as per prosecution version had made PCR call, on the basis of which the present proceedings were initiated.

In the reply filed on behalf of the Investigating Agency, the plea taken is that the material which has not been supplied to the applicants/accused does fall within the purview of Section 173 (6) Cr. P.C, however bare perusal of Section 173(6) Cr. PC and even provision u/s 123 of the Evidence Act makes it clear that the plea of the Investigating Agency/prosecution is not at all sustainable. The accused cannot be taken by surprise while putting his defence and he has right to know as to what incriminating material is there in the prosecution case and through whom the same is to be brought on record. Accordingly, the IO present in the Court is directed to supply all the requisite details as above to the accused within 07 days positively in the Court itself. If there is any apprehension regarding the safety and security of the witness in question, he be provided the necessary security till further orders and for that purpose, the copy of this order sheet be sent to the DCP, North East District for compliance thereof at the earliest.

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At this stage, IO has been heard on the aspect of Show Cause Notice including on the aspect of contempt proceedings.

Be listed for consideration thereon on **13.08.2018**. At the request of the IO, copy be given dasti as well to him against receipt.

(Raghubir Singh)
ASJ-02(NE), KKD Delhi
06.08.2018 (A)