

4 SC 13/2014 44777/2015
STATE Vs. MAUZZAM @ ZAMEEL
FIR No. 548 /2013
PS Seelam Pur

27.04.2024

Present: Sh. Pradeep Kumar, Ld. Substitute APP for the State.
Sh. Mohd. Irfan, Ld. Counsel for the accused Mauzzam,
Daud, Azhar @ Sameer, Javed and Waseem alongwith
accused Mauzaam, Daud, Javed and Waseem.
Sh. Vishal Sharma, Ld. Counsel for the accused Jamal @
Ranjha.
Accused Azhar @ Sameer and accused Mohd. Jamal @
Ranjha produced from JC.

Today matter is fixed for PE.

Summons sent to Inspector Rizwan Khan received back
duly served. However he has not appeared despite repeated calls and
waiting.

An oral request has been forwarded by the PW Inspector
Rizwan Khan through the Naib Court of this Court seeking personal
exemption on the ground hat he is on CL due to some family emergency.
No formal request for exemption has been received bay this court duly
forwarded through his superior officers. The details of the Casual Leave
duly reflected in the DD entry has also not been filed.

Perusal of the record reflects that on 26.02.2024, the Ld.
Predecessor of this court had issuedailable warrants against IO
Inspector Rizwan Khan through DCP concerned with strict directions to
ensure his appearance for 26.03.2024. On 26.03.2024, although
Inspector Rizwan had furnished his personal bonds, he had remained
absent and a request was received on his behalf, that due to a pending
murder investigation, he was deputed on urgent duty and therefore, he

could not appear before this court. His request for short adjournment only for the LDOH i.e. 26.03.2024. It was made abundantly clear vide the last order that no further request shall be entertain for today.

It seems that IO Inspector Rizwan Khan has been deliberately flouting the orders of this court and in spite of directions issued to the DCP concerned, to ensure his presence before this court, he has not appeared for the last three hearings and let notice be issued to IO Inspector Rizwan Khan u/s 350 Cr.PC as to why action may not be taken against him and he may not be tried for punishment for non attendance as provided under the said provision. The personal bond filed by IO Inspector Rizwan Khan in a sum of Rs. 10,000/- was taken on record and in spite of furnishing of the personal bond, he has not appeared before this court.

Let, the amount of the personal bond i.e. Rs. 10,000/- be recovered from his salary and deposited in the treasury.

Let, freshailable warrant be issued against witness PW IO Inspector Rizwan Khan in the sum of Rs.10,000/- and one surety of the like amount to be executed through DCP concerned.

Let, the copy of this order be sent to DCP concerned for information and compliance.

Perusal of the record reflects that vide order dated 25.11.2023, the Ld. Predecessor of this court upon an application moved on behalf of accused Jamal @ Ranjha, had ordered production of accused Jamal @ Ranjha through VC for the NDOH, upon the application which was moved by Incharge of KKD Lockup.

It has been submitted by accused Jamal @ Ranjah that he is a high risk prisoner and he is being kept in a special cell in the Jail owing to his involvement in the Gang rivalry and he fears for his life and safety,

if he is produced in person before this court.

On the LDOH, this court had sought a report from the concerned Jail Superintendent, verifying the fact whether accused Jamal @ Ranjha is high risk prisoner or not. A report has been filed. Same is taken on record. As per the said report, vide the order dated 24.03.2023, the accused/UTP has been awarded the status of high risk prisoner and he is also provided high risk guard category during court productions.

It is submitted by the Ld. Counsel for the accused Jamal @ Ranjha that if the accused is produced through VC, he will not dispute his identity at the time of examination of the prosecution witnesses.

Since the UTP is involved in number of cases and in all the other cases he is produced before the concerned courts through VC, considering his strong apprehension of threat perception, the concerned Jail Superintendent is directed to produce him through VC on the dates fixed by this court.

Now to come up for appearance of PW IO Inspector Rizwan Khan and for PE on **07.06.2024**.

Copy of this order be sent to concerned Jail Superintendent for information and compliance.

(ATUL AHLAWAT)
ASJ (FTC)/North-
East/KKD Courts/
Delhi/27.04.2024