

7 SC 18/2015 44792/2015
STATE Vs. RAJESH KALIA & ORS.
FIR No.70 /2005
PS New Usman Pur

03.12.2024

Present: Sh. Kamal Akhter, Ld. Addl. PP for the State.
Sh. Aditya Kumar Singhal, Ld. Amicus Curiae for the
accused Raja alongwith accused.
Sh. J. P. Srivastava, Ld. Counsel for the accused Rajesh @
Kalia alongwith accused.
Sh. Pratap Dhaka, Ld. Counsel for accused Raj Kumar
alongwith accused.
Sh. Praveen, Ld. LAC for accused Bablu @ Khatri.
Sh. U. K. Rai, Ld. Counsel for accused Guddu alongwith
accused.
Sh. Y. S. Panwar, Ld. Counsel for accused Ranveer and
Manish alongwith accused persons.
Accused Bablu @ Khatri produced from JC.
Accused Sanjay in person.
Proceedings against accused Ravi have stood abated vide
order dated 03.02.2023.

In compliance of last order dated 21.10.2024, accused Ranveer has furnished a copy of one document, which is not legible. He has also filed one black&white print out of a photograph in which one Truck could be seen parked on the curb of the road side and no other signage or board is visible to establish that the said truck was parked after it was broken down in Guwahati, Assam, as averred on his behalf of the LDOH. Furthermore, the said photographs does not bear any date stamp or time stamp.

Since, no document has been filed to establish that accused

Ranveer is a truck driver and he could not appear before this Court after his truck had broken down in Assam and that is why he could not reach before this Court on 21.10.2024, therefore, the cost of Rs. 5,000/- is imposed upon accused Ranveer in view of order dated 21.10.2024. The said cost shall be deposited before DLSA North East.

It is averred on behalf of accused Ranveer that one opportunity be granted to him to furnish proper documents in support of his contentions raised on 21.10.2024.

There is no merit in the contentions raised on behalf of accused Ranveer, since he had ample time since 21.10.2024 to furnish the documents in support of the exemption application and the said request is hereby declined.

Accused Ranveer is directed to pay the cost before DLSA, North East during the course of the day, failing which the cost shall be recovered in the manner of recovery of fine in view of section 431 Cr.PC, 1973.

Today matter is fixed for recording of statement of the accused persons u/s 313 Cr.PC.

Statement of accused persons have been recorded u/s 313 Cr.PC separately.

In their statements, the accused persons have stated that they do not wish to lead Defense Evidence. DE stands closed accordingly.

The accused persons are directed to furnish their bail bond u/s 437A Cr.PC, in the sum of Rs. 30,000/- and one surety of the like amount within one week from today.

Perusal of the record reflects that accused Bablu @ Khatri was declared as PO in the present case vide order dated 24.04.2019 and

he was later arrested by the PO staff on 22.10.2019. Prima facie he has committed the offence punishable u/s 174-A IPC, 1860. I hereby take cognizance of the said offence.

Arguments heard on behalf of the State and the accused Bablu @ Khatri.

In the considered view of this Court, prima facie commission of the offence punishable u/s 174-A IPC is made out and all the ingredients of the said offence are made out, since, the accused person had absconded and thereby prevented execution of warrants issued against him. Thereafter, the proclamation u/s 82 Cr.PC, 1973 was issued. The said process was duly executed by ASI Ram Meher Singh, who was examined as CW-1 before this Court on 24.04.2019. The accused was later arrested by HC Rajeev and ASI Pawan Kumar, both posted at SIU Crime Branch, Delhi vide Kalandra u/s 41(1)(d) Cr.PC, 1973. Separate charge u/s 174-A IPC, 1860 is framed against the accused Bablu @ Khatri and he has pleaded not guilty to the said charges and had claimed trial.

The Ld. Addl. PP for the State has moved an application u/s 348 BNSS, seeking calling of CW-1 ASI Ram Meher and HC Rajeev and ASI Pawan Kumar. The Ld. LAC for the accused has not objected to the present application being allowed.

In view of the submissions made in the present application and the No Objection given by Ld. LAC for the accused Bablu @ Khatri, the application stands allowed.

Let fresh summons be issued to CW-1 ASI Ram Meher Singh, HC Rajeev and ASI Pawan Kumar through IO/ SHO concerned for the next date of hearing.

Now to come up for PE on **17.01.2025**.

(ATUL AHLAWAT)
ASJ (FTC)/North-
East/KKD Courts/
Delhi/03.12.2024