

SC No. 144/2019

State Vs. Afzal Ahmad @ Chote & Ors.

FIR No. 37/2019, PS: Dayalpur

03.08.2023

Present: Sh. Sukhbeer Singh, Ld. Addl. PP for the State
Accused Afzal Ahmad @ Chotte and Arif @ Taslim in person
Accused Amit @ Sachin on bail is absented
Accused Charanjit @ Dabbu is produced in J.C, but he is on bail in this case
Accused Kamaljit @ Bittu on interim bail is absented
Accused Sunil, Afzal @ Pahalwan on bail is absented
Sh. Manish Kumar Singh, Ld. Counsel for the accused Amit @ Sachin, Charanjit @ Dabbu and Kamaljit @ Bittu
Sh. Sanjay Kumar, Ld. Counsel for the victim
IO/Insp. Tarkeshwar is absented

The matter is fixed for consideration on charge and also for awaiting the report on the warrants of arrest issued against Kamaljeet @ Bittu who was earlier on interim bail for a period of 60 days and on receiving of letter from Dy. Superintendent, Central Jail, Mandoli, wherein it was mentioned that this accused Kamaljit @ Bittu did not surrender in the said Jail on completion of period of interim bail.

Notice to his surety under Section 446 Cr.PC was also issued.

The warrants of arrest issued against Kamaljit @ Bittu is received back with the report unexecuted.

The notice issued to his surety Anmol Thakur under Section 446 Cr.PC is received back with the report served, but despite of repeated calls, Anmol Thakur surety failed to appear, so, the amount of bail bond/surety bond is forfeited in favour of the State and IO is directed to collect the F.D Advice No.FDR 1004234646 of an amount of Rs.50,000/- issued by the Bank of Baroda, Branch Chandni Chowk, Delhi to get it encashed and to deposit the amount of Rs.50,000/- in this Court.

Fresh warrants of arrest is ordered to be issued against accused Kamalajit @ Bittu.

Warrants of arrest are ordered to be executed through the DCP concerned.

The accused Amit @ Sachin did not appear in this Court today and Ld. Counsel for the accused has filed an application for seeking exemption from his personal appearance and submitted that this accused is lodged in Mandoli Jail in another case registered vide FIR No.339/23 in PS Harsh Vihar.

In view of moving of this application by the Ld. Counsel for accused Amit @ Sachin, accused Amit @ Sachin is exempted from his personal appearance.

Warrants of production for producing this accused Amit @ Sachin are ordered to be issued for the next date of hearing.

Since accused Sunil and Afzal @ Pahalwan also failed to appear before this Court today despite of repeated calls till 10:40, so **warrants of arrest are ordered to be issued against accused Sunil and Afzal. Warrants of arrest are ordered to be executed through the DCP concerned. Notice to his surety u/s. 446 of CrPC is also ordered to be issued for next date of hearing.**

IO is also called upon.

To come up on 19.09.2023.

**(PAWAN KUMAR MATTO)
Addl. Sessions Judge (Special Judge NDPS)
North East/KKD Courts/Delhi/03.08.2023**

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At 11:15 AM

Present: Sh. Sukhbeer Singh, Ld. Addl. PP for the State
Mr. Ashok Singhal, Ld. Counsel for the accused Afzal @
Pahalwan and Sunil

At this stage, Ld. Counsel for the accused Afzal @ Pahlwan and Sunil has appeared and filed application for seeking exemption from personal appearance of accused Afzal @ Pahalwan on the ground that this accused Afzal @ Pahalwan is suffering from fever and loose motion, so he is unable to appear.

Since this accused failed to appear despite of repeated calls till 10:40 AM, so this Court had already issued warrants of arrest against him and notice to his surety under Section 446 Cr.PC has also been ordered to be issued.

After passing an order of Issuance of warrants of arrest against this accused and notice to his surety, this application has been filed for seeking exemption that too without any medical document, so the same is hereby dismissed.

Ld. Counsel for accused Sunil Malik has also filed an application for issuance of warrants of production for producing the accused Sunil Malik and submitted that this accused Sunil Malik is lodged in District Jail, Karnal in a case registered vide FIR No.251/23 PS Sector 32-33, Karnal under Section 379 of IPC and 25 of Arms Act.

Accordingly, Warrants of production for producing this

accused Sunil Malik are ordered to be issued for the next date of hearing i.e. 19.09.2023.

There is no need for issuance of warrants of arrest against accused Sunil Malik and notice to his surety.

(PAWAN KUMAR MATTO)
Addl. Sessions Judge (Special Judge NDPS)
North East/KKD Courts/Delhi/03.08.2023