

SC No. 275/2022
State Vs. Naushad & Anr.
FIR No. 601/2022
PS: New Usmanpur

28.08.2023

Present: Sh. Ashutosh Kumar Pandey, Ld. substituted Addl. PP for the State.
Both the accused produced in JC.
Sh. N. A. Deshwal, Ld. Counsel for the accused Naushad.
Sh. Aditya Singhal, Ld. Counsel for the accused Kamruddin.

The matter is fixed for evidence of the prosecution.

Notices issued to IO and witness Salma are received back with reports 'served'.

Today, on calling the case, IO/Insp. Prabhanshu Kumar and witness Salma have appeared.

Let witness Salma be examined.

Accordingly, examination-in-chief of Salman (PW-2) has been recorded. During the examination-in-chief, Ld. Substituted Addl. PP for the State has submitted that since the witness has resiled from her earlier statement recorded by the IO during the investigation, so, he may be allowed to cross-examine the witness. After hearing, Ld. Substituted Addl. PP was allowed to cross-examine the witness. She has been cross-examined by Ld. Counsel for the accused Naushad. During the cross-examination by the Ld. Counsel for the accused Naushad, Sh. Aditya Singhal, Advocate who is representing to the accused Kamruddin had left the

court and after concluding of the cross-examination by the Ld. Counsel for the accused Naushad, Sh. Naresh, one proxy counsel of accused Kamruddin has appeared and seeks adjournment, as, the main counsel for the accused Kamruddin has gone in some other court.

Ld. substituted Addl. PP for the State has vehemently opposed the adjournment and submitted that this witness has already been threatened by the relatives of these accused and even son of the accused Kamruddin has also threatened to this witness, so, no adjournment may be granted, as, the accused or their relative may temper with the prosecution evidence.

Since, earlier, the Ld. Counsel for the accused Kamruddin was present in the court and during the cross-examination by the Ld. Counsel for the other accused, he has left the court and it appears to this court that he has deliberately left this court, so, no ground is made out to defer the cross-examination of this witness on behalf of the accused Kamruddin.

This court also requested to the proxy counsel for the accused Kamruddin to cross-examine the witness, but, he did not accept the request of this court nor he called the main counsel for the accused Kamruddin to cross-examine PW-2, so, in the given circumstances, the opportunity of accused Kamruddin to cross-examine this witness is done nil.

No other PW is present.

Accordingly, matter stands adjourned for evidence of the prosecution. To come upon the date already fixed i.e. **04.09.2023**. PWs be summoned for the next date of hearing. IO and MHC(M) are also ordered to be summoned.

At this stage, Ld. Substituted Addl. PP for the State has submitted that since, this witness (PW-2) is facing threats to her life and also lives of her minor children and submitted that some needful may be done.

The legal aid counsel is called upon.

Sh. Parveen Yadav, Ld. Legal Aid Counsel has appeared and he is allowed to make talk with this witness, who has submitted that after making talk with this witness, he will file application.

The witness (PW-2) is at liberty to file application in this regard.

(PAWAN KUMAR MATTO)
Addl. Sessions Judge (Special Judge NDPS)
North East/KKD Courts/Delhi/28.08.2023

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28.08.2023 at 1:15 PM

Present: Sh. Ashutosh Kumar Pandey, Ld. substituted Addl.
PP for the State.
None for the accused.
Witness Salma with Sh. Parveen Yadav, Ld. Legal
Aid Counsel.

Ld. Legal Aid Counsel has filed an application on behalf
of witness Salma to provide the protection from the family person of
the accused.

IO is requested to give the email address of the DCP,
North-East. IO has given the email address of the DCP, North-East.
Same is taken on the record.

Copy of this application is ordered to be sent to the DCP,
North-East, so that lives of this witness and her minor children may be
protected. The DCP, North-East is requested to do the needful on this
application of the witness to protect the lives of this witness and her
children.

The report from the DCP, North-East is also sought,
regarding the action taken on this application on the date already fixed
i.e. **04.09.2023**. **Attested copies of this order and the previous
order and testimony of PW-2 be also sent to the DCP, North-
East through email.**

(PAWAN KUMAR MATTO)
Addl. Sessions Judge (Special Judge NDPS)
North East/KKD Courts/Delhi/28.08.2023