

SC No. 289/2022
State Vs. Rohit Sharma & Ors,
FIR No.428 /2022
PS Dayal Pur

01.08.2023

Present: Sh. Vikas Kumar, Ld. Addl. PP for the State.
All three accused persons are produced from JC.
Sh. Gautam Jaina alongwith Sh. Rahul Aditya, Ld.
Counsel for accused Nitesh.
Sh. Sunil Kumar, Ld. Counsel for accused Rohit.

1. Matter is fixed for PE. PW1 Manish Chauhan is present. He is partly examined-in-chief and his further examination-in-chief is deferred for want of case property i.e. cutter. He is discharged for today.
2. As per the record, the statement of witness Manish was recorded by the IO but the same is not available on record. This statement was misplaced by the IO and he is directed to produce the same on NDOH from VRK.
3. Ld. Addl. PP for the State submits that weapon of offence i.e. cutter used in the present incident was sent to FSL. Another public witness namely Sachin was injured in the incident. For his evidence, also the weapon of offence is required to be shown to him. Therefore, his evidence can also not be recorded till the time cutter is received back from FSL.
4. Accordingly, a direction be issued to SHO concerned to get FSL result and to file by next date of hearing. Accordingly, it is directed that the SHO concerned shall take steps and pursue the matter with FSL so that FSL report may be filed on record by the next date of hearing.

Also, issue notice to Director FSL to expedite FSL result as it is very late and FSL result must be available before this court by next date of hearing.

5. Copy of this order be sent to SHO, DCP concerned and Director FSL for information and necessary action at their ends.
6. Bail application for accused Mohit has also been moved and is kept pending for 08.08.2023 as requested.
7. Ld. Counsels for accused shall take stand on NDOH, if they would like to admit the statements of formal witnesses u/s 161 Cr.P.C. and documents prepared by them. The witnesses are mentioned at serial nos. 4 and 5 of the list.
8. Now, matter is fixed for PE as follows :-
 - (i) 16.10.2023 for evidence of witnesses at serial no. 6 and 15 as per the list of witnesses.
 - (ii) 17.11.2023 for evidence of witnesses at serial no. 7 and 16 as per the list of witnesses.
 - (iii) 11.12.2023 for remaining evidence.PWs be summoned accordingly. MHC(M) and IO shall remain present on all dates of hearing.

(Savitri)
ASJ-02(NE)/ KKD/Delhi
01.08.2023