

IA 9/2024 in SC 150/16
State Vs. Arif432/16215/17
PS New Usmanpur

30.07.2024

Present: Sh. Kamal Akhter, Ld. APP for the State.
Sh. Rajnish Kumar, Ld. Proxy Counsel for Sh. Varun
Kumar, Ld. Counsel the applicant/accused.

IO has not filed the reply.

Exemption application is moved on behalf of IO seeking exemption from personal appearance on the ground that he is appearing before the Hon'ble High Court of Delhi in some other matter.

The notice of the present application was issued to the IO on 27.07.2024 and in spite of three days given to the IO, till date the reply has not been filed. Merely because the IO is appearing before the Hon'ble High Court of Delhi in some other case, does not mean that a deputed officer with the reply to the present application could not appear before this Court. This is an application u/s 483 BNSS 2023 seeking grant of regular bail and since it is involving the liberty of the applicant/accused and also his fundamental right under Article 21 of the Constitution, even one day delay in filing of the reply by the IO may cause irreparable injury to the rights of the applicant/accused.

SHO PS New Usmanpur is directed to ensure that the reply with the present application is filed positively by tomorrow. Furthermore, if the IO of the present case is busy, then the SHO shall depute some other responsible officer to file the reply and assist this Court.

Now to come up for filing of reply and consideration of present application on **31.07.2024**.

(ATUL AHLAWAT)
ASJ (FTC)/North-
East/KKD Courts/
Delhi/30.07.2024