

SC No. 381/2022
State Vs. Bhim Sain
FIR No. 334/2022
PS: Karawal Nagar

06.02.2023

Present: Sh. Sukhbeer Singh, Ld. Addl. PP for the State.
Accused produced in JC.
Ms. Bornali Singh, Ld. Legal Aid Counsel for the
accused.

The matter is fixed for evidence of the prosecution.

Notices issued to IO/Insp. Uttam Kumar, witness
Sangeeta Sain and MHC(M) are received back with reports
'served'.

Today, on calling the case, IO/Insp. Uttam Kumar
failed to appear. Witness Sangeeta Sain has also appeared.

The Naib Court posted in this court has submitted
that SI Ankit had given the request of this IO/Insp. Uttam Kumar
for seeking exemption from personal appearance. It is stating in
the application sent by the IO that he is suffering from cold,
cough and sore throat and fever from night, so, he may be
exempted from personal appearance.

In view of the request sent by the IO, he is exempted
from personal appearance for today.

Ld. Addl. PP for the State has submitted that the Naib
Court of the court of Ms. Swati Katiyar, Ld. ASJ has come to call
him and requested to allow him to go in the said court. Since, the
public witness is present in this court, so, the request of the Ld.
Addl. PP is turned down.

Let witness be examined.

Accordingly, part examination-in-chief of PW-1 Sangeeta Sain has been recorded.

Further examination-in-chief of PW-1 has been deferred, due to lunch time.

Accordingly, matter stands passed over till 2:00 PM, for recording further examination-in-chief of PW-1.

(PAWAN KUMAR MATTO)
Addl. Sessions Judge (Special Judge NDPS)
North East/KKD Courts/Delhi/06.02.2023

At 2:00 PM

Present: Sh. Sukhbeer Singh, Ld. Addl. PP for the State.
Accused produced in JC.
Ms. Bornali Singh, Ld. Legal Aid Counsel for the accused.

The matter was passed over till 2:00 PM, for recording further examination-in-chief of PW-1.

Further examination-in-chief of PW-1 has been recorded.

After recording part examination-in-chief of PW-1, the Ld. Addl. PP for the State has sought adjournment and submitted that the case properties have not been received from the FSL nor any report of FSL has been received, so, the further examination-in-chief of this witness may be deferred.

In view of the request made by the Ld. Addl. PP for the State, the further examination-in-chief of PW-1 is deferred. Witness is discharged for today. **She is bound down for the next date of hearing.** Since, the accused was arrested on dated 22.07.2022 and trial has already been commenced, but, in view of the negligent conduct and lackadaisical approach of the IO and the DCP concerned, the report of FSL has not been received.

Ld. Legal Aid Counsel for the accused has submitted that the trial of the case is delayed, in view of the negligent conduct of the IO & the DCP. It appears to this court that the IO/DCP are the negligent persons, as, they are not pursuing the present matter expeditiously, despite commencement of the trial. In the given circumstances, the Commissioner of Police, Delhi is requested to do some needful to ensure that the report of the FSL and the case properties are produced in the court on the date already fixed i.e. 17.02.2023. To come upon the date already fixed i.e. 17.02.2023 for further examination-in-chief of the PW-1 and the remaining evidence of the prosecution. **PW-1 is ordered to be summoned for the date fixed alongwith the IO. MHC(M) is also called upon for the next date of hearing with case properties. The attested copy of this order be sent to the Commissioner of Police, Delhi, for compliance.**

(PAWAN KUMAR MATTO)
Addl. Sessions Judge (Special Judge NDPS)
North East/KKD Courts/Delhi/06.02.2023