

SC No. 360/2019
State Vs. Salman
FIR No. 223/2019
PS: Karawal Nagar
U/s: 392/397/411/34 of IPC

12.12.2023

Present: Accused Salman with Sh. Vijay Goswami,
Ld. Counsel.
Sh. Masood Ahmad, Ld. Addl. PP for the State.

The matter is already fixed for 19.12.2023, for awaiting the report on the warrants of arrest issued against the accused Salman and notice to his surety.

Ld. Counsel for the accused Salman has filed an application for cancellation of NBWs issued against the accused Salman and restoration of the previous surety bond. But, he failed to supply the copy thereof to the Ld. Addl. PP for the State.

Ld. Counsel for the accused has submitted that on the last date of hearing i.e. 21.11.2023, this accused Salman was apprehended by the U.P. police and he was detained for about 5-6 hours by the police officials of police station Loni and he was also threatened to not making any complaint and submitted that the absence of this accused was neither intentional nor willful and prayed for cancellation of NBW issued against this accused and restoration of his previous surety bond.

On the other hand, Ld. Addl. PP for State has vehemently opposed the application and prayed for dismissal of

the application.

I have given thoughtful consideration to the submissions made by the Ld. Counsels for the parties and perused the record.

The perusal of the record reveals that on the last date of hearing i.e. 21.11.2023, when the matter was fixed for evidence of the prosecution and witnesses were present, but, this accused Salman did not appear, nor his counsel had appeared, so, this court had to issue warrants of arrest against him and notice u/s. 446 of CrPC to his surety, after forfeiting their bail bond / surety bond. But, as today, Ld. Counsel for this accused has filed an application for cancellation of warrants of arrest and restoration of the previous bail bond / surety bond. But, no documentary proof has been filed in support of this application and even, on the last date of hearing, his counsel did not appear to file any application for seeking exemption from personal appearance on behalf of this accused, so, in the given circumstances, this application is held to be devoid of merit. However, in the interest of justice, order passed by this court, vide which, warrants of arrest were ordered to be issued against this accused Salman and notice to his surety under Section 446 of Cr.P.C, were ordered to be issued and his bail bond / surety bond were forfeited, **is recalled subject to fine of Rs.5,000/-.**

At this stage, Ld. Counsel for the accused has submitted that some time may be given to this accused for depositing the fine. In the interest of justice, same time is granted to this accused Salman to deposit the fine in the court. **Accused Salman is directed to deposit the fine of Rs.5000/- in the court on the date already fixed i.e. 19.12.2023.**

Accordingly, the application filed by Ld. Counsel for the accused Salman for cancellation of NBWs issued against this accused and restoration of the previous bail bond / surety bond is **disposed of**. Put up the file on the date already fixed i.e. **19.12.2023. Intimation to this effect be sent to the SHO of the concerned police station. Attested copy of this order be provided to the parties.**

(PAWAN KUMAR MATTO)
Addl. Sessions Judge (Special Judge NDPS)
North East/KKD Courts/Delhi/12.12.2023