

SC No.395/2022
STATE Vs. MOHD. ARIF etc.
FIR No.996 /2014
PS (Khajuri Khas)

21.11.2023

Present: Sh. Maqsood Ahmed, Chief PP for State.
Accused Jaan Mohd. produced from JC.
Accused Deen Mohd. and Akram on bail.
Accused Arif is present.
Sh. Nadeem Khan, Advocate for accused Arif.
Sh. Rajesh Mittal, Advocate for accused Deen Mohd.

On the last date of hearing, accused Arif was not present. It was informed that he is down with fever but as there was no medical record placed with the application, his exemption application was dismissed and NBWs were directed to be issued against him. Today an application for cancellation of NBW has been moved supported by ERS with respect to the Indian Railway and shows that he booked the ticket with the booking status at waiting list at serial no.248. Though he had to travel on 28.10.2023, he took out the print out at 10.39 hrs. At that time also, the waiting list was at serial no.123 i.e. only before 7 hours before traveling. This shows that he was not having any confirm ticket and he had to appear before the court on 30.10.2023. Even the medical document produced is of AL HIND Hospital, Mustafabad, Delhi as the medical treatment starting from 02.11.2023. In this medical prescription slip also there is no mention that accused was suffering from fever for the last 3-4

days. All these facts shows that his non-appearance on 30.10.2023 was not seemed beyond his control rather he created such situation that he did not book the ticket in time to return to Delhi but keeping in view the fact that this is the first time an application for cancellation of NBW is moved, he is burdened with a cost of Rs.500/- only and NBW are canceled with the direction to be careful in future otherwise strict action will be taken.

Now to come up on 31.01.2024 for prosecution evidence.

Witnesses Akbar Ali, Jaida Begum and IO HC Parth be summoned for the next date.

(V. K. BANSAL)
Principal District & Sessions Judge/N-E/
Karkardooma Courts/Delhi/21.11.2023