

CNR No. DLNE01-003997-2019
SC No. 373/2019
State Vs. Majhar Khan @ Sonu & Anr.
FIR No. 100/2019
PS: Crime Branch

25.02.2022 at 12:30 pm.

Present: Sh. R. K. Satyarthi, Ld. sub. Addl. PP for the State.
Both accused produced from JC.
Sh. Shailender Singh, Ld. Counsel for both accused persons.

SI Abdul Barkat and HC Nityanand are present.

PW-1 HC Nityanand examined-in-chief partly.

Further cross-examination is deferred as prayed.

Vide order of the last date of hearing, report was asked from the DCP, Crime Branch in the matters pertaining to this Court about the compliance of provision of section 52A NDPS Act.

The report under the signature of Sh. Manoj C, IPS, DCP, Crime Branch is received which discloses that the compliance of provision of section 52A NDPS Act in the present matter has not been made so far. The details of the matters in which the provision has been complied or the details in which the same has not been complied so far is not provided.

The Hon'ble Supreme Court of India vide its order in case of Union of India Vs. Mohan Lal & Ors. (2016) 3 SCC 379 directed withdrawal of second sample and the disposal of the contraband expeditiously. The present case pertains to the year 2019 and the contraband has not been dealt with as per section 52A NDPS Act.

The facts are brought into the notice of Ld. Commissioner of Police, Delhi to take appropriate action in this regard.

Put up for remaining PE on **10-03-2022** and **11-03-2022**. PW-1 is bound down and other recovery witness be summoned for the next date of hearing.

It is apprised to the Court that the matter is to be listed for tomorrow also.

Considering the fact that tomorrow the hearing of the matters will be taken by the Court in virtual mode and there is no infrastructure provided for examination of witnesses virtually. Thus, **the date of hearing i.e. 26.02.2022 stands cancelled**. Witnesses summoned for tomorrow be intimated accordingly through IO and be summoned for **11-03-2022**.

(SUNIL CHAUDHARY)
Special Judge (NDPS)/ASJ
North East/Delhi/25.02.2022