

SC No. 417/2018
State Vs. Rahis Ahmad & Ors.
FIR No. 375/2018
PS: Gokalpuri

21.10.2023

Present: Sh. Parveen Kumar, Ld. substituted Addl. PP for State.
All the three accused produced in JC.
Sh. Gaurav, proxy counsel for the accused Rahis Ahmad.
Sh. Abhishek, proxy counsel for the accused Arvind @ Binda.
Sh. Farukh Ahmad, Ld. Counsel for the accused Abid.

The matter is fixed for evidence of the prosecution.

Notices issued to MHC(M) and IO are received back with reports 'served', whereas, notice issued to witness Sadiq is received back with report 'unserved'.

Today, on calling the case, MHC(M) HC Sachin and IO/Insp. Jagdish Yadav have appeared.

Ld. Counsel for the accused Abid has submitted that number of times, notice to public witness Sadiq have been issued, but, despite of orders passed by this court, the DCP, North-East failed to serve the notice to this witness Sadiq and also submitted that opportunity of the prosecution to examine this witness Sadiq may be closed, but, as, this court is of the considered opinion that as the accused are alleged to have committed the offence punishable u/s. 302/34 of IPC and this

case is based on the circumstantial evidence and Sadiq is a material witness.

This court has asked to the IO, as to why, this witness Sadiq has not been served. IO has told to this court that since, this witness Sadiq belongs to the village of accused.

On the one side, the DCP, North-East failed to serve the notice to this witness Sadiq, who is a very material witness of the prosecution and on the other side, IO is making lame excuses, so, in the given circumstances, **the Commissioner of Police, Delhi is requested to ensure the service of this witness Sadiq for the next date of hearing**, as, all the three accused are in judicial custody for a considerable period.

Since, no PW is present.

Accordingly, the matter stands adjourned for evidence of the prosecution. To come upon **16.01.2024**. IO and MHC(M) are also ordered to be summoned.

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/21.10.2023