

SC No. 417/2018
State Vs. Rahish Ahmad & Ors.
FIR No. 375/2018
PS: Gokul Puri

09.4.2024

Present: Sh. F. M. Ansari, Ld. Addl. PP for the State.
All the three accused produced in JC.
Sh. R. K. Kochar, Ld. Counsel for the accused
Arvind @ Binda.
Sh. Farooq Ahmad, Ld. Counsel for the accused
Abid.
Sh. Gaurav, Proxy counsel for the accused Rahish
Ahamd.

The matter is fixed for evidence of the prosecution.

Notices issued to IO/Insp. Jagdish Yadav, MHC(M)
and witness Abid are received back with report, served, whereas,
notice issued to witness Sadiq, which was ordered to be served
through the DCP, North-East is received back with report,
unserved.

B/W issued against the witness Nazim is received
back with report that he is lodged in Tihar jail in another case,
registered vide FIR No. 151/24 U/s. 323/452/336/506/34 of IPC
and Sec. 25/57/59 of Arms Act. So, **warrants of production are
ordered to be issued for producing witness Nazim on the next
date of hearing.**

Ct. Manish has brought the request of IO/Insp. Jagdish
Yadav, wherein, it is mentioned that since, he has to appear in the
court of Ms. Geetanjali, Ld. ASJ, Saket Courts, so, he is unable to
appear in the court today. In view of the request sent by the IO, he

is granted exemption from personal appearance for today.

Since, witness Abid is present today.

Let he be examined.

At this stage, Ld. Addl. PP for the State has submitted that since, the CCTV footage is also required to be shown to this witness Abid. He has also submitted that since, the exhibits are not received from the FSL and report of FSL is still pending and submitted that this witness Abid may be discharged unexamined today.

In view of the request made by the Ld. Addl. PP for the State, witness Abid is discharged unexamined today.

Ld. Counsels for all the accused have submitted that this is negligence on the part of the IO and submitted that since, this case was registered way back in the year 2018 and since then, all the accused are behind bars, but, the report of FSL is still pending. Sh. R. K. Kochar, Ld. Counsel for the accused Arvind Binda has also submitted that this is a deliberate act done by the IO for delaying the trial, as, witness is going unexamined today. He has also submitted that since, the prosecution has failed to serve notice to witness Sadiq, so, the opportunity of the prosecution to examine this witness may be closed. Sh. Farooq Ahmad, Ld. Counsel for the accused Abid has also submitted that same submission may also be considered on his behalf, whereas, the Ld. Addl. PP for the State has submitted that witness Sadiq is a material witness and examination of this witness is essential for proper adjudication of the present case.

This court is also of the considered opinion that Since, this witness Sadiq is a material witness. But, the prosecution has failed to produce this public witness Sadiq despite giving of number of opportunities. The opportunity of the prosecution to examine this witness Sadiq cannot be closed.

Fresh notice to witness Sadiq is ordered to be issued. Same is ordered to be served through the DCP, North-East for the next date of hearing.

IO and the DCP, North-East are requested to make sincere efforts for obtaining the report of FSL expeditiously, as, all the accused are behind bars for a considerable period.

At this stage, the Ld. Addl. PP for the State has also submitted that copy of this order be also sent to the DCP, North-East, so that he may know about the negligence of the IO.

No other PW is present.

Accordingly, the matter stands adjourned for remaining evidence of the prosecution. Remaining PWs be summoned. To come upon **14.5.2024**. IO and MHC(M) are also ordered to be summoned for the next date of hearing. **Attested copy of this order be sent to the DCP, North-East for compliance.**

(PAWAN KUMAR MATTO)
Addl. Sessions Judge (Special Judge NDPS)
North East/KKD Courts/Delhi/09.4.2024