

04.09.2019

Present: Ms. Sushma Badhwar, Ld. Addl. PP for the State.
Accused Fardeen on bail.
Remaining six accused produced from JC.
Sh. Ashutosh Bhardwaj, Advocate alongwith Sh. Jagmohan Singh,
Advocate for accused Kapish Bawana, Amir @ Shajad @ Munna,
Rashid and Abid @ Shavej.
Sh. Altaf Ahmad, Advocate for accused Adil.
Sh. S.N. Qureshi, Advocate for accused Arshad and Fardeen.

PW-11 to PW-13 examined and discharged.

Insp. Rajiv Ranjan is present but discharged unexamined being IO
of the case.

Sh. S. Sunil Jail Suptd. of Central Jail No. 15, Mandoli Jail is
present and has filed his report dt. 02.09.2019, wherein he has mentioned that as
per record, no incident occurred with accused/inmate Rashid @ Noor Jahan S/o
Rafiq on 02.07.2019 inside the jail premises of Mandoli Jail.

The aforesaid report was called for by the Court vide order dt.
22.08.2019 in view of testimony of CW-1 Dr. Rajat Bhardwaj, JR (Casualty) of
GTB Hospital and contents of MLC Ex.CW1/A of UTP Rashid, whereby it came
on record that alleged history of assault on said UTP inside jail premises on
02.07.2019 by some other inmate, was provided by UTP himself.

On being asked, concerned Jail Suptd. has submitted that while
conducting his enquiry as marked to him by DIG (Prison) in pursuance of order
dt. 01.07.2019 passed by this Court, he did not notice the alleged history as
mentioned in MLC Ex.CW1/A and did not make any enquiry on that aspect as
copy of MLC was not provided to jail officials by hospital authority of GTB
Hospital.

The aforesaid submission made by Jail Suptd. concerned, is
contrary to his own Inquiry Report dt. 11.07.2019 as filed before the Court, in as
much as he himself has made reference to MLC Ex.CW1/A and the alleged
history mentioned therein in bold letters. Same prima facie shows that the
aforesaid submission is being made by him in order to cover up the lapses on his

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part in not conducting the inquiry in fair and proper manner.

Counsel for applicant/UTP Rashid seeks time to inspect the Inquiry Report and the relevant material available on record, in order to assist this Court for passing appropriate order as per law on next date.

Put up on the date already fixed i.e. 05.09.2019 for remaining PE.

(VIDYA PRAKASH)
Addl. Sessions Judge/
NE/KKD/Delhi/04.09.2019