

SC No. 57319/16
FIR No. 1225/15
P.S.- KNK Marg
U/s : 364/365/302/201/120B IPC
State Vs. Udayveer & Ors.

20.03.2021

Present : Sh. Harvinder Nar, Ld Addl P.P for the state.
Complainant in person with Ld. Counsel.

This is an application seeking directions to the IO PS KNK Marg to hand over the Ashes / Remains of the deceased for the performance of his last rites.

Notice was issued to the IO to file reply to the present application, but despite service of notice, neither IO has appeared nor any reply has been filed.

In these circumstances, issue bailable warrants against the IO in the sum of Rs.5,000/- be issued for NDOH.

IO is again directed to file reply as well as to appear in person on the NDOH.

Put up for consideration on 05.04.2021.

(Rakesh Kumar-III)
Addl. Sessions Judge-02(North)
Rohini Courts Delhi
20.03.2021

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Present : Sh. Harvinder Nar, Ld Addl P.P for the state.
Sh. J. K. Sharma, Id. Counsel for both accused persons.
Accused Udayveer Singh is present on interim bail.
Accused Rajender Yadav produced from JC.
MHC(M) is present.

Case was fixed for PE.

A request has been received from IO as he has to go for evidence in ACB Court.

PW15 Sh. Baljeet Singh is present, examined and discharged.

PW9 Vishu Yadav is present for his cross-examination in continuation of the examination dated 24.09.2019.

At this stage, an application U/s 311 Cr.PC has been moved on behalf of the State for further examination of PW9 Vishu Yadav as inadvertently one written complaint which was made by the PW9 to the SHO PS KNK Marg was left to be exhibited in the examination of PW9. It is further submitted that on 24.09.2019, examination-in-chief of PW9 was concluded and matter was deferred for today for his cross-examination. It is further submitted that complaint is a necessary document to be exhibited and no prejudice would be caused to the other party as cross-examination of PW9 has yet not started.

Record perused. Application u/s 311 Cr.PC can be moved to recall a witness and can be allowed to adduce proper and relevant evidence. Re-examining of PW9 is essential for the just decision of the case and no prejudice is going to be caused to other party as cross-examination of PW9 has not yet started.

Keeping in view facts as mentioned in the application, same is allowed.

PW9 is recalled and complaint is exhibited. He is partly cross-examined and his further cross-examination is deferred as no time left.

Contd..P2/-

PW 14 HC Ved Prakash has been recalled for further examination in chief in continuation of the examination dated 25.02.2021. He is further partly examined-in-chief and his further examination-in-chief is deferred as no time left.

List of document along with one document i.e. copy of complaint dated 07.03.2014 filed on behalf of the accused persons. Same is taken on record.

Put up for PE on 03.06.2021.

Let witnesses i.e. PW9 and PW14 as well as IO & MHC(M) be summoned for the NDOH.

(Rakesh Kumar-III)
Addl. Sessions Judge-02(North)
Rohini Courts Delhi
20.03.2021