

CNR No.:DLNT01-010901-2022
SC No. 865/2022
STATE Vs. Shivam @ Moda & Anr.
FIR No. 596/2022
PS Adarsh Nagar
U/s: 302/34 IPC

13.02.2024

Present: Sh. Nishant Kumar, Ld. Substitute Addl. PP for State.
Both accused persons namely Shivam @ Moda and Pankaj produced from J/C.
Sh. Suresh Tomar and Sh. Sarthak Tomar, Ld. Counsels for accused Shivam @ Moda.

Matter is listed today for PE.

PW-3 Ms.Oshika has been recalled today for further examination-in-chief. Perusal of the file shows that her examination-in-chief has been deferred for want of case property i.e., mobile phone which has been sent to FSL and has not been received back as yet.

Perusal of the file further shows that examination-in-chief of PW-1 Sh. Rohit and PW-2 Sh. Sunil have also been deferred due to the afore-mentioned reason, however, summons issued to both above-named PWs have been received unserved with the report that the same could not be served due to heavy police arrangements at Sindhu Border.

In view of the same, let a notice be issued to DCP concerned with the directions to expedite the FSL result and to file status report qua the same positively on NDOH.

As no purpose would be served by recalling PW-1, PW-2 and PW-3 due to non-availability of case property, they shall be recalled for further examination-in-chief only after receiving of case property.

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In the meantime, let other material PWs be summoned for NDOH.

The date already fixed i.e., 14.02.2024 stands cancelled as summons could not be served due to heavy police arrangements at Sindhu Border.

At this stage, accused Pankaj submits that no financial capacity to pay fees to his previous counsel and he makes request that he may provided free legal aid without any cost.

Adv Ms. Neelima Dubey who is present in the Court in some other matter is willing to act as Amicus Curiae in the present case, therefore, she is appointed as Amicus Curiae to defend the accused Pankaj in the present case.

Be put up for PE on **02.05.2024**.

**(Sushil Kumar)
Addl. Sessions Judge-04
North District Rohini Courts Delhi
13.02.2024 ^(R)**

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Present: Sh. Nishant Kumar, Ld. Substitute Addl. PP for State.
Accused Shivam @ Moda in person on bail.
Sh. Suresh Tomar and Sh. Sarthak Tomar, Ld. Counsels for accused Shivam @ Moda.

This is an application filed on behalf of applicant/accused Shivam @ Moda to ascertain his age.

Applicant / accused is present in the Court and submits that he is Tenth Pass and his date of birth in his educational documents is 21-03-2002 which is true and correct. He further submits that he has not mentioned to anybody in jail that he is a Juvenile and he do not know how the present application for claiming Juvenility has been moved on his behalf.

Separate statement of accused Shivam @ Moda has been recorded.

In view of the submission and statement of accused Shivam @ Modam, his date of birth is 21-03-2022, therefore, he is not Juvenile.

Application is disposed off, accordingly.

(Sushil Kumar)
Addl. Sessions Judge-04
North District Rohini Courts Delhi
13.02.2024 ^(R)