

CNR No. : DLNT01-006875-2021
SC No. : 436/2021
STATE Vs. SUSHIL KUMAR ETC
FIR No. : 218 /2021
PS : Crime Branch-North Delhi
U/s: 302/307/308/364/365/452/323/342/188/
269/147/148/149/506(II)/392/394/397/411/201/109/120B/34 IPC
U/s 25(1)(B)/27(1)Arms Act

19.01.2023

File taken up today as an application has been moved on behalf of applicant/witness/complainant Amit Kumar S/o Sh. Mahender, R/o Kaserhathi, Sampla, District Rohtak, Haryana for conducting his examination through video conferencing in time bound manner preferably by day-to-day hearing.

Present: Sh. Sanjay Jindal, ld. Addl. PP for the State.
Ms. Nikita Garg and Sh. Paras, ld. counsel for the complainant/victim Amit.
Sh. Rajbir Singh and Sahil Malik, ld. counsels for accused Sushil Kumar.
IO Insp. Mangesh Tyagi is present.

Reply to the application has been filed by the IO.

It is submitted by ld. counsel that the applicant is the victim in the present case who was mercilessly beaten by more than 20 hardened gangsters on the intervening night of 04/05.05.2021 at Chhatrasal Stadium at Model Town, Delhi. Ld. counsel further submitted that the applicant was having the apprehension of his life as these gangsters threatened the applicant and his family members by different sources that they will eliminate the applicant and his family, if he will give the statement against them. Ld. counsel further submitted that the applicant/victim and the family members of the applicant are under deep apprehension and hence, requesting for conducting the trial/allowing the witness to depose through video conferencing in time bound manner or conducting of trial in any other District Court other than the Rohini Court.

Ld. Addl. PP for the State has opposed the same stating that it will be very difficult to conduct the examination of witness through video conferencing or at any other District Court other than the Rohini Court.

Ld. counsel for accused has submitted that the same will cause great hardship and the purposeful cross-examination is not possible as the documents will be required to confront to the witness and it will also consume extra time and there is possibility of tampering with the judicial record.

On the contrary, ld. counsel submitted that the applicant/witness Amit do not want to depose in Rohini Court even if security provided to us. He can only come at Patiala House Courts or at Hon'ble Delhi High Court for deposition.

Heard.

Considering the threat perception and after hearing all the parties, the Court is of the view that DCP concerned shall take all safety and security measures and arrangement shall be made by atleast appointing two armed police officials during the visitation of applicant/witness Amit Kumar from home to Court and after examination from Court to home for recording of his statement at Vulnerable Witness Room at Rohini Court Complex. It is also directed that DCP concerned shall personally assess the matter regarding the threat perception to witness/victim Amit and if deems necessary can provide additional security to him during his visitation to the Court for deposition or if consider necessary then he can provide security to him even before and after the date of examination of the witness.

Application is disposed of accordingly.

IO has further submitted that supplementary charge-sheet with regard to two accused persons is likely to be committed by tomorrow.

Put up the matter on the date already fixed i.e. **21.01.2023**.
Copy of the order be sent to the concerned DCP, SHO and IO for information and compliance.

(Shivaji Anand)

Addl. Sessions Judge: 04 (North)
Rohini Courts: Delhi:19.01.2023^(R)