

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

20.02.2023

Present: Sh. Atul Srivastava, ld. Special PP for the State
alongwith Sh. Sanjay Jindal, ld. Addl. PP for the State.

Sh. Nitin Vashishth and Sh. Dev Solanki, ld. counsels for
complainant Sh. Jai Bhagwan @ Sonu.

Sh. Joginder Tuli, ld. counsel for the father of deceased
(Sagar Dhankhad).

Sh. Mandeep Baisala, ld. counsel for the
complainant/victim.

IO SI Mungesh Tyagi is absent.

PW/injured Jai Bhagwan @ Sonu is present.

All accused persons produced from JC except accused
Vinod (A21), who is present on bail.

Sh. R. S. Malik, Sh. Rajbir Malik and Sh. Sidhant, Ld.
counsels for accused A1.

Ms. Swati Rathi, ld. counsel for the accused A2.

Sh. Sumeet Shokeen, ld. counsel for accused A-3, A-13,
A-14, A-15, A-17, A-20 and A21.

Ms. Saumya Bajaj, ld. counsel for accused A-18.

PW Sh. Amit Kumar @ Khaggad is exempted from
personal appearance for today only in view of his written request that
he is unable to appear in the Court today as he is having severe pain in
his mouth due to which he is not able to speak properly. Medical
document is annexed with the application.

Summons issued to PWs Bhagat Singh @ Bhagtu and
Ravinder @ Bhinda Pahalwan received back with the report that the
service is effected upon their brothers but they are absent.

PW1 Sh. Jai Bhagwan @ Sonu is present.

Keeping in view the safety of witness and the accused persons, only main counsels are permitted to remain in the Deposition Court Room.

Complainant/father of the deceased has requested to remain during the conduct of the examination of the said PW. His request is declined as he is also cited as a witness in the present case. However, his counsel is permitted to remain during examination of the said witness.

Considering the safety of the father of the deceased (Sagar Dhankhad), In-charge Police Chowki of this Court is asked to provide adequate safety during the hearing of the case.

It is noted that the witness and all the parties are present at the given time i.e. 12:00 p.m. except Sh. Atul Srivastava, Id. Special PP for the State. Sh. Sanjay Jindal, Ld. Addl. PP for the State submitted that examination of the main important witnesses has to be conducted by the Special PP appointed for the case.

Sh. Atul Srivastava, Id. Special PP for the State has appeared at 12:40 p.m.

PW Sh. Jai Bhagwan @ Sonu was asked whether he wants to depose in the deposition court room or from the vulnerable witness room through VC. The witness straightforwardly denied to come to the deposition court room and submitted that he is feeling more comfortable to depose from the vulnerable witness room. The witness is allowed to depose from the vulnerable witness room.

PW1 Sh. Jai Bhagwan @ Sonu has been examined-in-chief and his cross-examination is deferred as it is already 6:00 p.m. and no time left.

The case property de-sealed during the deposition of the said PW be sealed again with court seal.

An application has been moved by applicant/witness Sh. Jai Bhagwan @ Sonu for providing adequate security to him.

It is submitted by applicant/witness that he is continuously receiving death threat from accused side and prayed that adequate security be provided to him.

Heard.

Considering the threat perception, 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 witness Jai Bhagwan @ Sonu and also for remaining witnesses i.e. Ravinder @ Bhinda and Bhagat @ Bhagtu from home to Court and after examination from Court to home for recording of their statement at Vulnerable Witness Room at Rohini Court Complex as and when they are summoned to depose before the Court.** It is also directed that DCP concerned shall personally assess the matter regarding the threat perception to witnesses/victims and if deems necessary can provide additional security to them during their visitation to the Court for deposition or if consider necessary then he can provide security to them even before and after the date of examination of the witness.

Application is disposed of accordingly.

An application moved by DCP, 3rd Bn.DAP, New Delhi seeking review /revision of order dated 04.11.2022 with regard to the direction of the Hon'ble Court towards expenditure for deployment of policemen over the activities of accused Sushil Kumar during his interim bail has been received through DAK.

The same be considered at the time of final disposal of this case.

Put up for cross-examination of PW1 Sh. Jai Bhagwan @ Sonu on 27.03.2023 at 12:30 p.m. All other remaining victims /witness be also summoned for the said date through concerned DCP.

In-charge of Vulnerable Witness Room and Chowki In-charge, Police Post, Rohini Court are also directed to make the necessary arrangements on 27.03.2023 at 12:30 p.m. for the recording of evidence.

Copy of this order be sent to the concerned DCP, IO as well as Incharge of Vulnerable Witness Room and Chowki In-charge, Police Post, Rohini Court for information and compliance.

(Shivaji Anand)
Addl. Sessions Judge: 04 (North)
Rohini Courts: Delhi:20.02.2023(R)