

CNR No. DLNT-01-002259-2024
SC No. 104/2024
State Vs. Azeem
FIR No. 241/2023
PS : Bhalswa Dairy
U/s 392/397/34 IPC

13.05.2024

File taken up today on an application, moved on behalf of the accused, for cancellation of NBWs and restoration of previous surety bond.

Present : Sh. Gyanendra Kr. Mishra, Ld. Addl. PP for the State.

Applicant/ accused in person with counsel Sh. R.K. Mishra, who has filed his vakalatnama.

Heard.

Perusal of record reveals that accused was absent on 18.04.2024, and thereafter on 02.05.2024. Explanation given for the non-appearance of the applicant / accused is that on 18.04.2024, his counsel did not appear and he did not know the the date of hearing, and when he had called his counsel, he was informed by the advocate's daughter that his counsel has since expired. It is stated that since he did not know the date of hearing, he was unable to put an appearance promptly on 18.04.2024, and thereafter, on 02.05.2024, he came late, and that he could not get his appearance marked. Copy of the death certificate of his counsel Mukesh Chauhan has been furnished, as per which, the said Mukesh Chauhan expired on 18.02.2024. However, accused has himself entered an appearance in this court on 29.02.2024, and therefore, it was not a case where he would

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have required any clarification regarding the date from his counsel as he himself had taken the date from the court. Furthermore, it needs to be observed that on 02.05.2024, the NBWs, which were issued against the accused and notice u/s 446 CrPC to his surety, were received back unexecuted due to which the fresh process was issued through the IO concerned, for 18.05.2024.

Noteworthy it is, that the report, which was received on the warrants of the accused, is to the effect that his Bhabhi was met, who stated that the accused was out of Delhi for many days, and that he shall be informed as and when he returns. Therefore, it is quite obvious that the accused has given a false excuse in the application, which has been moved today. The report on the notice of the surety, is also to the effect that no such person is living at the given address. A fake surety bond seems to have been furnished by the accused.

Accordingly, I see no merits in the application, which is dismissed. Accused is taken into custody.

Matter be listed on the date already fixed i.e. 28.05.2024.

(Seema Maini)
Principal District & Sessions Judge
North District, Rohini, Delhi/13.05.2024