

SC 320/2022
STATE Vs. RAJENDER KUMAR
FIR No 1038 /2015
PS Amar colony
21.02.2023

Present: Sh. Wasi-Ur- Rahman, Ld. Addl. PP for the state.
All accused persons on court bail alongwith Ld.
Counsel Sh. Nadeem Abasi.

Part arguments heard on point of charge.

During the course or arguments, Ld Counsel for accused persons apprised the Court that there were three children namely Dharamveer, Anu and Vivek, who were working in a canteen, belonging to one Mr. Surender Rawat. However, he has not been made an accused in this case. Further, it has been submitted that none of the children or their parents has been made witness in this case. Ld. Counsel further submitted that Section 370 IPC ought not to have been invoked as there are no allegations of trafficking or forceful labour.

Ld. Counsel further submitted that the child employed by Atul Seth namely Rustom was above the age of 21 years as per the birth certificated submitted by Rustom. It was further contended that the IO did not collect any birth certificate of Rustom from accused. It was further submitted by Ld. Counsel that he would be filing the Birth Certificate of Rustom on the next date of hearing.

Further, a perusal of record reveals that as a proof, birth certificate of only following children viz Farhana , Ranjan, Deepak, Pawan Kumar Gupta and Ranjan Kumar Gupta, were placed on record.

Heard. Record perused.

Let notice be issued to concerned **IO to appear in person to assist the Ld. Addl PP for State while submitting arguments on point of charge**, for the next date of hearing. **IO is further directed to apprise the status of age of other remaining children** on the next date of hearing.

Further, **let notice be issued to the then ACP concerned and the then SHO, to explain as to why children were not added as witnesses nor were complete age documents filed on record at the time of forwarding of chargesheet.**

Re-list for **hearing further arguments on point of charge** on **28.03.2023**.

(ARUL VARMA)

ASJ-04 + Spl. Judge (NDPS) South East District,
Saket Court, New Delhi: 21.02.2023