

NCB Vs. Reena Saxena & Anr.
SC No. 304/22

03.08.2022

Present: Sh. Mukesh Malik, SPP for NCB.

Both accused produced from JC.

JIO S.K. Pandey.

Today the matter is inadvertently listed for scrutiny of documents however the cognizance has not been taken till date.

This complaint has been filed by a public servant in discharge of his official duties. He has moved an application for dispensing with his preliminary examination and for his exemption from personal appearance on the ground that he remains busy in official duties and it is not possible for him to attend the court on each and every date of hearing and that he be therefore allowed to be represented through the Special PP. In view of the submissions made, the preliminary examination of the complainant is dispensed with and he is exempted from personal appearance during trial.

As per the case of prosecution on 12.01.2022 on the basis of secret information parcel bearing AWB No. 2011110651 destined to Australia and lying at DHL Express Pvt. Ltd., 71/3, Rama Road, Najafgarh Industrial Area, Near Kirti Nagar, New Delhi was checked and 616 Grams Amphetamine (as per chemical analysis report Methamphetamine) was recovered from the parcel. During investigation, evidence came into light that the parcel in question was booked by the accused Reena Saxena. During the course of investigation accused Reena Saxena and Charles Ekeh Chukwudi were served notice under section 67 of NDPS Act and both tendered their statement under section 67 of the NDPS Act wherein they admitted their involvement in the commission of offence.

Heard. Record perused. Perusal of record prima facie reveals commission of offence punishable u/s 8, 22, 23 and 29 of NDPS Act. Hence, cognizance is taken. Copy of complaint and documents supplied to accused persons.

List this case for scrutiny/arguments on charge on 09.09.2022.

At this stage, Ld. Counsel for accused submitted that an application u/s 91 Cr.PC for direction to NCB official to procure the phone location alongwith CCTV footage of camera near the premises of accused and public CCTV footage of camera installed by the government of the place of arrest of accused be also provided. Ld. Counsel also submitted that NCB be also directed to preserve the phone location of accused and the raiding team.

Reply filed. Ld. SPP submits that NCB is not aware of any CCTV camera installed at the place or near the place mentioned by the applicant. Any CCTV camera installed by government near the place of Reena Saxena's house is not under the control of NCB officials. Furthermore, the phone details of NCB officials cannot be given as it will put them under risk.

Heard. Considering the fact that NCB officials are not in possession of CCTV footages and the fact that there is no specific place where the CCTV footage is installed is stated therefore no general directions to seize the CCTV footage could be passed. The main defence of accused is that their place of arrest is different to what is stated in complaint and that issue could be resolved by the call location of accused persons. Accused can themselves take out the CDR details with phone locations from their service provider therefore, no directions are required to be passed to NCB to collect the same and file before the court therefore, the present application is dismissed.

Application disposed of accordingly. Copy of the order be given dasti.

(Ajay Kumar Jain)
ASJ/Spl. Judge, NDPS/N. Delhi
03.08.2022