

DRI vs Anil Kumar & ors.
SC No. 7256/2016

31.08.2017

Present: Ms. Mala Sharma, Ld. SPP for the DRI.

Accused Anil Kumar in JC with counsel Sh. Kamal J. S. Mann.

Accused Manu Khosla in JC with counsel Sh. V. K. Tandon and Saurabh Luthra.

Sh. Amit Kumar Singh @ Amit Singh in JC with counsel Sh. S. S. Dass and Sh. Kuljeevan Siddharth.

Sh. Diwakar Joshi (PW-3) is present, partly cross-examined by Sh. V. K. Tandon Ld. Counsel for accused Manu Khosla.

At this stage, Ld. SPP for DRI submits that the case property i.e. contraband contained in iron box and Toyota Fortuner have been brought and as per the request of Sh. S. S. Dass Ld. defence counsel for accused Amit Singh it is required to be demonstrate whether the said contraband can be kept in the said vehicle (Toyota Fortuner car) or whether vehicle can be driven.

At this stage, Toyota Fortuner Car bearing no. DL-13CA-1800 is produced by crane from CWC, Rana Pratap Bagh BY Sh. Mahesh Chand IO. The vehicle is brought down to demonstrate the case property at the down stairs at ground floor and on the formal perusal of the vehicle, it is pointed out that the vehicle is not in the same position as it was

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seized.

Another vehicle i.e. Tata 407 has been produced by Sh. Hitesh Chhawala IO with the assistance of 20 DRI officials, containing the case property i.e. 39 iron boxes sealed with the Court seal containing substance therein from the NCH Godown . The said 39 boxes have been taken out from Tata 407. The description of each box is already mentioned in the examination-in-chief of PW-3.

Sh. Sushil Kumar photographer alongwith Sh. Gautam Sahni videographer have been called by the DRI to record the photography and videography of the proceedings.

It is 01:30pm. Let the matter be put up at 02:00pm

(Dr. Satinder Kumar Gautam)
Special Judge (NDPS Act)
South District, Saket/31.08.2017

At 02:00pm

Present: As before.

At this stage, Sh. S. S. Dass Ld defence counsel for accused Amit Singh submits that rear seats and driver seat of the vehicle are not available in the vehicle. As such, demonstration cannot be conducted by keeping the case property in the vehicle without existing position as at

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the time when it was seized.

Ld. SPP for DRI submits that rear seats and driver seat of the vehicle have not been found at the time when the car was produced in the Court earlier. It is further submitted that on the last date when the vehicle was produced, rear seats and driver seat were not there and the defence counsel had not raised any objection at that stage.

Hence, in view of submissions and circumstances, demonstration cannot be conducted. Case property and the vehicle are directed to be returned back to their respective places.

Further cross-examination of Sh. Diwakar Joshi (PW-3) is deferred on the request of Sh. V. K. Tandon Ld. Counsel for Manu Khosla.

Matter be listed **on 13.09.2017 for prosecution evidence.**

(Dr. Satinder Kumar Gautam)
Special Judge (NDPS Act)
South District, Saket/31.08.2017