

CNR No. DLST01-008152-2018

SC No. 82 of 2018

State Vs Kamlesh Dalmiya & Anr.

FIR No. 317/2018

PS Malviya Nagar

20.02.2023

Present: Sh. Santosh Kumar, Ld. Additional PP for State.
Accused Jatin Mittal in person.
Accused Kamlesh Dalmiya absent.
Complainant in person.
Smt. Prabha Dalmiya W/o accused Kamlesh Dalmiya

Heard. Records perused.

Smt. Prabha Dalmiya, wife of accused Kamlesh Dalmiya has placed on record an exemption application of accused Kamlesh Dalmiya along with medical documents to show that accused Kamlesh Dalmiya is to undergo cardiac surgery and is unwell.

Ld. Counsel for accused persons is not available at this stage to press the present exemption application.

Accused Kamlesh Dalmiya is directed to appear in person on next date of hearing.

In the meantime, report of IO/ACP Rajnish (currently posted as DSP/Crime, UT Chandigarh) has been received. It is submitted in the report as follows :

“It is submitted that the investigation of the above said case was entrusted to me while I was posted as ACP Hauz Khas, New Delhi. I have filed supplementary charge sheet in

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this case being the main charge had already been presented to the Hon'ble Court. This Hon'ble Court vide its orders dated 09.01.2023 has directed me to file report as to whether any video recording of the investigation in the present case as submitted by the complainant was done.

It is humbly submitted that presently I am posted in Chandigarh since October 2021. I have perused the case file and thereafter tried my best to find any video recording regarding this case from office records including electronic devices at my old office i.e. office of the ACP Hauz Khas, New Delhi but no such video recording has been found."

It is noted that on 19.01.2023, the complainant had stated that so far as he could remember, when his daughter was writing the complaint, a Sub-Inspector was making the video of the same on his mobile phone. The complainant had also submitted that he was not aware whether the submissions of the witnesses were videographed or if any other proceedings during the investigation was videographed.

In these circumstances and in view of the report of the IO as also the submissions of the complainant, the Court does not find any ground to pass any further directions in this respect.

Now to come up for appearance of accused Kamlesh Dalmiya and framing of formal charge on **27.03.2023**.

(Vrinda Kumari)
ASJ-02 (South)
New Delhi/20.02.2023

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File has been taken up again on two applications u/s 439 Cr.P.C. of applicants-accused, namely, Kamlesh Dalmiya and Jatin Mittal for grant of regular bail.

Present: Sh. Santosh Kumar, Ld. Additional PP for State.
Applicant-accused Jatin Mittal in person.
Complainant in person.

Heard. Records perused.

Ld. Counsel for the applicants-accused are not available today.

At request, now to come up for consideration of above-said bails applications on date fixed i.e. **27.03.2023**.

(Vrinda Kumari)
ASJ-02 (South)
New Delhi/20.02.2023