

CNR No. DLST01-012833-2023
SC No. 550 of 2023
State Vs Shiv Lal Singh & Ors.
FIR No. 342/2023
PS Maidan Garhi

12.04.2024

File has been taken up today on an application moved on behalf of the complainant for calling CDRs of the accused persons.

Present: Sh. L. D. Singh, Ld. Additional PP for the State.
Accused Shiv Lal Singh and Rani Devi in person.
Accused Pawan Kumari absent.
Sh. Rajnish Kumar, Ld. Counsel for all accused with
Ld. Counsel Sh. Divaya Prakash.
Complainant in person with Ld. Counsel Sh. Areeb
Ahmad.

Accused Shiv Lal Singh and Rani Devi have appeared pursuant to execution ofailable warrants.

At this stage, an application is moved on behalf of the accused persons seeking cancellation ofailable warrants along with their affidavits and the documents. It is observed that sinceailable warrants qua accused Ravi Devi and Shiv Lal Singh have already been executed, the application qua them is not maintainable. In so far as accused Pawan Kumari is concerned, her exemption has been sought being out of station, therefore,ailable warrants are hereby recalled subject to her appearance before the Court on the next date of hearing positively.

In regard to absence of the accused persons on the previous date, Ld. Counsel for the accused persons has sought to put forth the narrative that since the accused persons could not

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get the tatkal tickets for 07.04.2024, they could not leave for U.P. to attend rituals of their relative but this information was not given to the Counsel and their exemption application was moved in good faith. It is also stated in the application that both the accused persons reached the Court to attend the Court proceedings but by that time case was over and date was already given.

The aforesaid narrative on behalf of the accused persons prima facie appears to be specious for the following reasons :

(i) After the complainant moved the application for calling the CDRs of the accused persons along with affidavit that accused Shiv Lal Singh was seen in the Court sitting with the junior counsel and accused Rani Devi was present at her home and who was videographed, Ld. Counsel for the accused persons appeared on 09.04.2024 and enquired about the Order of the Court following which accused persons must have been informed to urgently take steps to salvage the situation.

(ii) The submissions that accused Shiv Lal Singh recalled his date at around 11:00 AM and tried to contact with his counsel and rushed to the Court to attend the Court proceedings do not appear to be meritorious as accused could have appeared in the Court and get his presence marked even after the case was over. Otherwise also the date was given only upon moving an exemption application on behalf of the accused persons and not for any other reason attributed to the complainant or any other factor.

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In view of the above, it is apparent that Ld. Counsel for the accused persons had made false submissions before the Court on 08.04.2024 that accused Shiv Lal Singh and Rani Devi have gone to U.P. and also moved their exemption application, which prima facie amounts to furnishing of false information under Section 177/120B IPC read with Section 195 Cr.P.C. and 340 Cr.P.C.

Thus, a Show Cause Notice is hereby issued to Ld. Counsel for the accused persons as well as accused persons, namely, Shiv Lal Singh and Rani Devi as to why action should not be taken against them under the aforesaid provisions for their willful act of furnishing false information in the Court. Ld. Counsel for the accused persons seeks to file reply thereof on the next date of hearing.

List now on date already fixed i.e. **09.05.2024**.

(Navjeet Budhiraja)
ASJ-02 (South)/ Saket Courts
New Delhi/12.04.2024