

09.12.2019

FIR No. 940/14

State Vs. Pramod Kumar & Ors.

U/s : 302/201/364/457/380/411/404/34 IPC

P.S.: Dwarka North

SC NO. 440255-16

Present: Sh. Dushyant Siwatch, Ld. Addl. PP for the state.

Accused Pramod is already P. O.

Accused Gaurav Sharma produced from JC with Sh. Mukesh Sharma, Counsel for accused.

Accused Rohit produced from JC with proxy counsel for Sh. Manish Kumar, LAC for accused

Accused Atul on bail with proxy counsel for Sh. D. S. Kohli and Sh. Sat Narayan Sharma, Ld. Counsel for accused.

No DW is present today. Adjournment sought by accused Atul after moving application for adjournment filed on the ground that mother of advocate is hospitalised so main counsel for accused Atul is not present. The application is signed by advocate and adjournment has been sought on the personal ground. No witness is present today. Three dates have already been granted for DE. No ground made out to grant further opportunity for DE. Witness Lalit Singh Mehta who is sought to be examined is also not available. It is pertinent to mention here that these witnesses are of accused and should be brought by him. Accused is unable to tell as to how he contacted the witnesses and what was their reply. Thus it is clear that accused seems to buying the time only. The proxy counsel for accused Atul is bent upon for taking adjournment only without telling as to why witnesses have not come and what efforts have been made by him to bring them. He

also do not want coercive method to be adopted against witness.

Though application on behalf of accused Atul Kumar has been moved for deferring the examination of defence witness. From the perusal of application itself, no ground made out to allow the same because examination of defence witness can only be deferred when witness is present in the court but today no defence witness has been produced and it seems that accused has appeared only just to take adjournment with pre-meditated mind.

Arguments have already been addressed by two accused.

Ld. APP for state has also addressed the arguments.

It is important to note here that cases get ripped with great efforts of the court specially in such type of cases where number of accused are more and list of witness is long and number of witnesses have to be called from outside state. After closing of PE and recording of statements U/s 313 Cr. P. C., the defence witnesses are not being produced in the witness box despite opportunities. The cases are being delayed in disposal by such practices which does not give any right message to the society and when the delay is not being caused at the end of court. The present case pertains to the year 2014 and section 302 IPC is involved. Two accused persons are in judicial custody. At the time of taking over charge of this court, only 04 witnesses were completely examined and another witness was examined in partly and thereafter, 28 witnesses of prosecution and one defence witness has been examined and this court has to do a lot of exercise in execution of process of witnesses from UP police and to secure their presence who were now posted at different places. The case is complete for disposal. The arguments have been heard on behalf of Ld. APP as well as on behalf of two accused who are in custody but it is not known as to why the

accused Atul is adamant in not producing defence witness or not arguing in the matter.

Still in the interest of justice, let the matter be put up for DE of accused Atul for 10.12.2019. Letailable warrants of witnesses of Paprika Hospitality and Sh. Ajay Kumar be issued for tomorrow through SHO, Dwarka North. It has been submitted that only these two witnesses are not be examined, accordingly, rest of DE stands closed. Arguments on behalf of accused Atul will also be heard tomorrow.

(AJAY GOEL)
ASJ/ Spl. Judge (NDPS)
Dwarka Courts, New Delhi/09.12.2019