

State v Akhileshpati Tripathi & Ors.

07.3.2020

Present: Sh. Manish Rawat, learned Additional PP for the State.
A-2 Akash Verma, A-3 Malik Mohd. Fahad, A-10 Rahul Kumar and A-13 Sanjeev are absent.
A-1 Akhileshpati Tripathi, A-4 Suraj, A-5 Sachin, A-6 Lal Babu, A-8 Sachin Gupta, A-9 Radhey Shyam, A-11 Mithilesh, A-14 Himanshu Jain, A-15 Naresh, A-17 Salman, A-18 Smt. Geeta, A-19 Prem Pal and A-20 Kamal on bail.
Sh. Prashant Manchanda, Ms. Aditi Sharma, Sh. Vishal and Sh. Mohit Saroha, learned counsels for A-1, A-4, A-6 to A-18.
Sh. Rishikesh Kumar, learned counsel for A-2 and A-3.
A-7 Hari Chand and A-21 Somwati have already expired.
A-12 Vijay (PO).
A-16 Ramandeep discharged vide order dated 05.01.2019.
Sh. Rishikesh Kumar, proxy counsel for Sh. Mohd. Irshad for A-19 and A-20.

Applications seeking exemption from personal appearance have been moved on behalf of A-2, A-3, A-10 and A-13 for today. For the reasons stated therein, the applications are allowed for today only. Their personal appearance is dispensed with through their respective counsel.

NBWs issued against A-19 Prem Pal received back unexecuted. Notice to his surety has been served who is not present in person but has ensured the presence of A-19 Prem Pal in the court.

He has moved an application for cancellation of the warrants. Although, the period of execution of warrants has expired but I have considered his application wherein he has stated that he was not well and orally he has informed the court that he was down with Diarrhea and he had asked his son to inform the counsel. However, the information was not

conveyed.

Considering the facts and circumstances of the applicant/A-19 Prem Pal, the application is allowed and his bail bond stands restored. He has been warned to be careful in future.

The Insp. R. S. Meena has submitted his reply to the show-cause notice issued to him. He has stated that on account of curfew being imposed in the jurisdiction of PS Bhajanpura, he was not unable to attend the court on the previous date. With regard to his previous absence, he has stated that the reasons for his absence were conveyed. For his absence on 31.01.2020, he had sent information through Assistant Sub Inspector, however, he could not reach the court on time.

I have considered the submissions of Insp. R. S. Meena and found that his non-appearance on the previous date of hearing was justified in view of the law and order situation due to which curfew was imposed in the jurisdiction of PS Bhajanpura. Hence, this notice stands withdrawn.

PW-9 Insp. R. S. Meena is present. He is examined, cross-examined and discharged.

Learned APP for the State that no other witness is left to be examined in support of Prosecution Evidence. He states at Bar that PE be closed.

On the oral submission of the learned APP for the State, PE stands closed.

Now, matter be listed on the dates already fixed i.e. **17.3.2020 and 18.3.2020 at 02.00 pm on both the dates** for recording of statement of accused persons under Section 313 Cr.PC and the date already fixed for recording of Statement of accused i.e. 16.3.2020 stands

cancelled.

Learned APP for the State and the defence counsels are being asked to submit their proposed questions in terms of Section 313 (5) Cr.PC, to be put to the accused persons, before the dates fixed.

(AJAY KUMAR KUHAR)
Additional Sessions Judge/
Special Judge (PC Act),
CBI-09 (MPs/MLAs Cases),
RADC, New Delhi : 07.3.2020 (SR)