

SC No.120/20
State v. Mohd. Tahir Hussain etc.
FIR No.65/20
PS Dayalpur

06.02.2025 (At 12.08 p.m.)

Present: **Sh. Madhukar Pandey**, Id. Special PP for State.
Sh. Sulabh, advocate/associate of Id. SPP.
Accused Tahir Hussain produced from CJ-03, Tihar Jail through VC.
Accused Nazim, produced from CJ-14, Mandoli, through VC.
Accused Kasim, produced from CJ-13, Mandoli, through VC.
Accused Sameer Khan, Haseen @ Mullaji, Gulfam Anas, Firoz, Javed, Shoaib Alam and Muntajim @ Musa, in person on bail.
Sh. Sanawar Chaudhary (appeared through VC), Id. counsel for accused Haseen @ Mulla ji, Anas, Sameer Khan and Muntajim @ Musa.
Mohd. Dilshad, Id. counsel for accused Javed.
Ms. Shivangi Sharma (appeared through VC), Id. counsels for accused Mohd. Tahir Hussain; Gulfam and Shoaib Alam.
Sh. Nadeem, Id. counsel for accused Nazim, Kasim and Firoz.

P.Ws Sh. Indresh Kumar Mishra from FSL and ASI Pramod Singh, are present. They have been examined as PW-31 and PW-32 respectively, cross examined by Mohd. Dilshad, Sh. Nadeem and Ms. Shivangi Sharma, advocates.

Mr. Chaudhary, Id. counsel for accused Haseen, Anas, Sameer and Muntajim, had made request to pass over the matter on the grounds that his senior was busy in Supreme Court and his senior would cross examine this witness. His such request was already declined at the time of call of this case itself. This is repeat of same approach from the side of the counsels for aforesaid accused persons, despite the fact that they had already been told about their duty to come prepared for this case as well.

Same request has been again made by Mr. Chaudhary, when the both witnesses as were tendered for cross examination and he did not opt to put any question, taking adamant approach that only his senior would cross examine this witness. The court cannot accept such adamant approach. They have already been told about the directions given by Supreme Court regarding earliest conclusion of trial in this case, on last date i.e. 04.02.2025 itself. Hence, opportunity to cross examine PW-31 Indresh Kumar Mishra & 32 ASI Pramod Singh, was closed.

From next date onwards, the hearing shall take place at 2 p.m. and all the parties are hereby directed to be present well prepared at 2 p.m. on every date. Accused Haseen @ Mulla ji, Anas, Sameer Khan and Muntajim @ Musa, have been again explained that it is their duty to come prepared alongwith counsel of their choice. In any case, if they require assistance of counsel at the expense of the State, in that situation they must come well in advance before the court with the case file and they can be provided counsel at the expense of the State as well. Since they have not opted to have such assistance, therefore, I do not find it appropriate to impose any counsel on them.

P.Ws ASI Yogendra Singh and Kaushlendra Kumar were also summoned for today. ASI Yogendra Singh has sent request for exemption on the ground of his illness. PW Kaushlendra Kumar has sent request for exemption due to being employed in FSL, Patna, Bihar and also due to short period of time, he was unable to appear before the court. I have perused their requests and same are allowed. PW Kaushlendra Kumar be summoned afresh through Director FSL Patna, Bihar and ASI Yogendra Singh be also summoned afresh for upcoming dates.

Put up for RPE on 11.02.2025, 13.02.2025,

19.02.2025, 21.02.2025, 24.02.2025, 28.02.2025, 03.03.2025, 05.03.2025, 07.03.2025, 11.03.2025, 17.03.2025, 19.03.2025, 21.03.2025, 24.03.2025, 26.03.2025, 29.03.2025, 01.04.2025, 03.04.2025, 05.04.2025, 09.04.2025, 16.04.2025, 21.04.2025, 23.04.2025, 25.04.2025, 28.04.2025 and 30.04.2025 at 2.00 p.m.

The dates have been fixed on alternate basis, because one more case had already been put on day to day trial i.e. FIR no.60.20. If trial is not concluded, then even after 30.04.2025, further hearing in this case shall be conducted on same pattern.

(PULASTYA PRAMACHALA)
ASJ-03(NE)/KKD Courts/Delhi
06.02.2025