

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

28.04.2025 (At 3.35 p.m.)

Present: **Sh. Madhukar Pandey**, Id. Special PP for State.
I.Os Insp. Amleshwar Rai and Insp. Amit Prakash in person.
Accused Tahir Hussain produced from CJ-03, Tihar Jail through VC.
Accused Nazim and Kasim produced from J/C.
Accused Sameer Khan, Haseen @ Mullaji, Gulfam Anas, Firoz, Javed, Shoaib Alam and Muntazim @ Musa, in person on bail.
Sh. Mohsin Raja (appeared through VC), Id. counsel for accused Javed.
Ms. Shivangi Sharma (appeared through VC), Id. counsel for accused Mohd. Tahir Hussain; Gulfam and Shoaib Alam.
Sh. Jatin Bhat (appeared through VC) and Sh. Sikander, Id. counsels for accused Haseen @ Mulla Ji, Anas, Sameer Khan and Muntajim @ Musa.

Insp.Manoj (IO of FIR no.92/20), PS Dayalpur had appeared and had submitted 3 sealed envelopes containing hard copy of testimony of witness Priyanka Gaur (as recorded on last date), in respect of 3 cases including the present case. Same is taken on record.

A request for exemption of PW Saira was sent by Pairvi Officer Insp. Priyanka. I have perused her request and same is allowed.

P.W Ct. Sohanveer was present. He has been examined as PW-57. Another PW Nadeem Khan was also present. He has been partly examined as PW-58. His further examination is deferred for the reasons as recorded in his evidence. **Sh. Rajiv Mohan, advocate** had appeared through VC and had left the meeting with permission. Sh. Abdul Gaffar, Id. counsel had also appeared and left the court with permission, submitting that they did not want to cross examine PW-58

Nadeem Khan.

In view of observations recorded in evidence of PW-58, I find that the level of preparedness of prosecution for examination of any witness is not much different from the one, which was on 09.04.2025 and which was objected by this court vide order dt.09.04.2025. Still complete measures are required to be taken on the part of prosecution, so as to be completely aware of their own case, role of their own witnesses, compliance of law in respect of any evidence being tendered during the trial etc.

Copy of this order be sent to Joint CP (Crime) alongwith evidence of PW-58, for taking appropriate steps on urgent basis.

At the cost of repetition, it is observed again that it must be ensured before taking summons for any witness that anything required for examination of such witness, is available on the record or in the malkhana and is produced before the court accordingly, to avoid recurrence of afore kind of situation in future.

Put up for RPE on 30.04.2025, the date already fixed.

(PULASTYA PRAMACHALA)
ASJ-03(NE)/KKD Courts/Delhi
28.04.2025