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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CRL.A. 3/2022 and CRL.M.A. 112/2022 (Delay)**

STATE NCT OF DELHI

..... Appellant

Through: Mr.Ashish Dutta, APP for the
State with SI Sanjeet Kumar,
P.S.: Mandawali, Delhi.

versus

SHABUDDIN GAZI @ RAJU

..... Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

ORDER

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28.02.2022

The present appeal has been listed before this court on the basis of
an office note which reads as follows:-

*“Vide order dated 05.01.2022, The Hon'ble Division Bench of
this Court was pleased to order as under:*

*“....Issue notice to the respondent, by all permissible
modes, including dasti to be executed through the SHO of
the concerned police station, returnable on 29.03.2022.*

*Issue warrants for the production of the respondent,
Shabuddin Gazi alias Raju, to secure his presence before
this court on the next date of hearing.”*

*In this regard, it is submitted that since the respondent is
lodged in jail, as per the rules contained in Order V Rule 24 of*



Code of Civil Procedure, 1908 (Flag “A”), where the defendant is confined in a prison, the summons shall be delivered or sent by post or otherwise to the officer in charge of the prison for service on the defendant.

In view of the above, case is submitted for clarification whether dasti notice to respondent is to be executed through the SHO or served through superintendent of Jail.

If approved, the case may be sent to Listing Branch for listing the same before the Hon'ble Court for 28.02.2022.”

A perusal of the case reflects that Shabuddin Gazi *alias* Raju is currently undergoing a sentence of 12 years under Section 6 of the POCSO Act and is lodged at Mandawali Jail.

In view of the foregoing, the directions to produce Shabuddin Gazi *alias* Raju before this court on the next date of hearing i.e. 29.03.2022 shall be complied with by the Jail Superintendent, Mandawali Jail without demur.

A copy of this order be sent to the Jail Superintendent, Mandawali Jail, for information and compliance, through electronic mail.

SIDDHARTH MRIDUL, J.

ANOOP KUMAR MENDIRATTA, J.

FEBRUARY 28, 2022/rb

[Click here to check corrigendum, if any](#)