

FIR No : 833/19
PS: Nihal Vihar
STATE VS. Krishan Kumar

Hearing took place through Cisco WebEx.

19.08.2020

Present: Mr. Subhash Chauhan, Ld. Addl. PP for State.
Ms. Arti Pandey, DCW counsel
Mr. Surender Nandal, Ld. Counsel for accused Krishan
Kumar.
SI Manisha Yadav along with complainant.
HC Ankit Dahiya, Naib Court attached to this Court.

IA No. 04/20

Notice to the complainant received back duly served.
Reply is filed by the IO. Arguments on bail application
heard.

Put up for orders.

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(ANKUR JAIN)

ASJ(Special Fast Track Court)-01
West, THC, Delhi/19.08.2020

Order

1. By this order, I shall decide regular bail application filed on behalf of accused Krishan Kumar.
2. The brief facts as necessary for the disposal of the application are that criminal law was set into motion on the complaint of 'Ms. X' who stated that she met with the accused through Facebook and also met him once or twice. On 11.12.2019 at around 7 PM, accused

called her to Mahavir Hospital, Pritampura and took her in his car to his friends godown at Kamruddin Nagar on the pretext that there is some party. After having food and drinks accused started forcing upon the prosecutrix. On refusal he pressed her throat and committed rape. At around 11 PM in the night prosecutrix on the pretext of going to bathroom came out of the room and made call to police at 100 number. On her complaint the present FIR was registered. After completion of investigation charge sheet was filed.

3. Ld. Counsel for accused has submitted that there is discrepancy in the statement of the prosecutrix u/s 164 Cr.P.C. and in the complaint made to the police. The allegations levelled against the accused are false. It is argued that even the complainant has no objection if bail is granted to the accused, and this fact can be verified from the complainant. It is also argued that interim bail was extended by this court therefore and during the said period there are no allegation that accused had threatened the witnesses or the complainant.

4. He further submits that there are other contradictions and discrepancies in the testimony of the witnesses whose statements have been recorded U/s 161 Cr.PC. Lastly it is argued that accused is a Government employee and he has two kids to look after.

5. On the other hand, Ld. Addl. P. P. for State has submitted that the FSL report is pending, the nature of crime is serious and heinous and as such the accused cannot be admitted on bail and charges are yet to be framed.

6. I have heard Ld. Counsel for parties and perused the record.
7. This is the fourth bail application filed by the accused seeking regular bail, first bail application of the accused was dismissed on 28.01.2020. The second bail application was dismissed as withdrawn on 24.02.2020 and the third bail application was dismissed on 20.03.2020 the last one was through a speaking order. There is no change in circumstances since then neither the factum of dismissal of these bail applications have been disclosed in the present bail application. Be that as it may be, the call by the prosecutrix at 100 number is contemporaneous to the time of incident. FSL report is still pending.
8. The fact that accused was married and was still having affair outside the marriage clearly shows the intention of the accused. Merely because the prosecutrix was drinking with the accused does not mean that he is entitled to commit rape upon her. Deposition of the prosecutrix is yet to be recorded. The contradictions should be of such a nature that they should go to the root of the matter, and thus would essentially be a question of trial.
9. Ld Counsel for the accused had argued that interim bail was granted and the same was extended by this court, the interim bail was granted on 16.05.2020 as per the averments made in the bail application. Interim bails are granted for a specific purpose and are also extended to accomplish the said purpose once the purpose is achieved the interim bail is not to be extended, in the present case, the interim bail was granted by the Ld Duty ASJ, during the pandemic, no doubt the same was extended by this court on

17.06.2020, however the application seeking extension for interim bail was dismissed as withdrawn on 06.08.2020 and the accused surrendered before the Jail authorities on 10.08.2020. Grant of interim bail or extension thereof cannot be claimed as a matter of right and hence the submission of the Ld Counsel that interim bail was extended by this court would be of no help to the accused.

10. It was next contended that prosecutrix has given her No Objection, in my opinion her no objection is of no consequence as there is a possibility that accused might have tried to influence her, in order to obtain her No Objection and therefore it cannot be ground of bail.

11. Accordingly, I find no ground to allow the present application. I.A. 4/20 seeking regular bail stands dismissed. Copy of order be sent to all concerned through electronic mode.

Put up on date fixed i.e. 21.08.2020

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ASJ(Special Fast Track Court)-01
West, THC, Delhi/19.08.2020

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FIR No : 553/2018
PS: Nihal Vihar
STATE VS. Dharambir

Hearing took place through Cisco WebEx.

19.08.2020

File is taken up for hearing in terms of Circular no. 322/ RG/DHC/2020 dated 15.08.2020 of Hon'ble High Court of Delhi and No.524/12979-13069/ Misc./Gaz./DJWest/2020 dated 16.08.2020.

Present: Mr. Subhash Chauhan, Ld. Addl.PP for State.
Ms. Arti Pandey, DCW counsel.
Mr. Inderjeet Barnala, Ld. Counsel for accused
Dharambir.
HC Ankit Dahiya, Naib Court attached to this Court.

Ld. Counsel for accused submits that accused could not join proceedings due to technical issues. On his request accused stands exempted for today.

Perusal of the file shows that notice was issued to SHO PS Nihal Vihar to file CDR/ CAF of the accused as well as the FSL report.

Let notice be issued to SHO PS Nihal Vihar who shall file compliance report in this regard. Copy of order be sent to SHO concerned through Whats app. HC Ankit Dahiya shall ensure compliance of the order.

Put up on 26.10.2020 for consideration of charge.

ANKUR JAIN
(ANKUR JAIN)
ASJ(Special Fast Track Court)-01
West, THC, Delhi/19.08.2020

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IN THE COURT OF ANKUR JAIN
ADDITIONAL SESSIONS JUDGE: SFTC (WEST)-01: DELHI

SC No. 94/2013
State Vs. Mohd. Faiznuddin @ Aman
FIR No. : 338/12
P.S.: Nangloi

THROUGH CISCO WEB EX.

19.08.2020.

File is taken up for hearing in terms of Circular No. 289-321/RG/DHC/2020 dated 15.08.2020 of Hon'ble High Court of Delhi and No. 524/12979-13069/Misc./Gaz./DJ/West2020 dated 16.08.2020.

Present: Sh. Subhash Chauhan, Ld. Addl. PP for the State.
Sh. Sartaj Ahmed, Ld. Counsel for the accused Vinod and Sunita.
Accused Mohd. Faiznuddin is absent.
Ms. Aarti Pandey Ld. Counsel from DCW.
Naib Court HC Ankit Dahiya in person.

Case is listed for PE, however neither the accused Faiznuddin nor his counsel has appeared.

Sh. Sartaj Ahmed submits that accused Vinod and Sunita may be exempted for today as they do not have the facility of Video Conferencing. At his oral request, both the accused persons are exempted for today.

Put up for appearance of accused persons on **07.10.2020.**

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(Ankur Jain)
ASJ (SFTC-01) West
Delhi: 19.08.2020

IN THE COURT OF ANKUR JAIN
ADDITIONAL SESSIONS JUDGE: SFTC (WEST)-01: DELHI

SC No. 57507/16
State Vs Karan Yadav & Ors
FIR No. : 137/16
P.S.: Paschim Vihar East

THROUGH CISCO WEB EX.

19.08.2020.

File is taken up for hearing in terms of Circular No. 289-321/RG/DHC/2020 dated 15.08.2020 of Hon'ble High Court of Delhi and No. 524/12979-13069/Misc./Gaz./DJ/West2020 dated 16.08.2020.

Present: Sh. Subhash Chauhan, Ld. Addl. PP for the State.
Sh. Pratap Singh and Sh. Arun Yadav, Ld. Counsels for all the accused persons namely Karan Yadav, Varun Yadav, Kamlesh Devi, Jaya and Tarun Yadav
Ms. Aarti Pandey Ld. Counsel from DCW.
Naib Court HC Ankit Dahiya in person.

Ld. Counsel for the accused persons submits that link was duly sent to the accused persons but they could not join due to some technical issues.

On his oral request all the accused persons are exempted for today. He submits that application seeking cancellation of bail filed by the prosecutrix, was dismissed.

On perusal of the file it shows that the said application was dismissed on 13.03.2020.

Since this matter was listed for **PE** and evidence cannot be recorded in terms of the above said circular, matter is adjourned.

Put up for PE on **12.01.2021.**

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(Ankur Jain)

ASJ (SFTC-01) West
Delhi: 19.08.2020

IN THE COURT OF ANKUR JAIN
ADDITIONAL SESSIONS JUDGE: SFTC (WEST)-01: DELHI

SC No. 204/18
State Vs Vivek Gandhi
FIR No. : 596/16
P.S.: Punjabi Bagh

THROUGH CISCO WEB EX.

19.08.2020.

File is taken up for hearing in terms of Circular No. 289-321/RG/DHC/2020 dated 15.08.2020 of Hon'ble High Court of Delhi and No. 524/12979-13069/Misc./Gaz./DJ/West2020 dated 16.08.2020.

Present: Sh. Subhash Chauhan, Ld. Addl. PP for the State.
Ms. Aarti Pandey Ld. Counsel from DCW.
Accused on bail.
Naib Court HC Ankit Dahiya in person.

I.A. No. : 01/19(U/s 91 Cr.P.C. moved on behalf of accused for supply of documents)

Notice was issued to the IO and IO had sought time but till date no reply has not been filed.

Let fresh notice be issued to the IO with the direction to file the reply of the said I.A.

FIR No. : 596/16

Matter is listed for PE. In terms of the directions as contained in the above said circular evidence cannot be recorded. Accordingly, the present case is adjourned.

Let PW be summoned. Put up for PE on **07.01.2021.**

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(Ankur Jain)
ASJ (SFTC-01) West
Delhi: 19.08.2020

IN THE COURT OF ANKUR JAIN
ADDITIONAL SESSIONS JUDGE: SFTC (WEST)-01: DELHI

SC No. 490/18
State Vs Chhotey Lal
FIR No. : 438/18
P.S.: Ranhola

THROUGH CISCO WEB EX.

19.08.2020.

File is taken up for hearing in terms of Circular No. 289-321/RG/DHC/2020 dated 15.08.2020 of Hon'ble High Court of Delhi and No. 524/12979-13069/Misc./Gaz./DJ/West2020 dated 16.08.2020.

Present: Sh. Subhash Chauhan, Ld. Addl. PP for the State.
Ms. Aarti Pandey Ld. Counsel from DCW.
Accused is absent.
Naib Court HC Ankit Dahiya in person.

Adverse order against the accused is deferred in view of the above said Circular.

Put up for appearance/further proceedings on **26.10.2020.**

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(Ankur Jain)
ASJ (SFTC-01) West
Delhi: 19.08.2020

FIR No : 126/18
PS: Mayapuri
STATE VS. Sanjay

Hearing took place through Cisco WebEx.

19.08.2020

File is taken up for hearing in terms of Circular no. 322/ RG/DHC/2020 dated 15.08.2020 of Hon'ble High Court of Delhi and No.524/12979-13069/ Misc./Gaz./DJWest/2020 dated 16.08.2020.

Present: Mr. Subhash Chauhan, Ld. Addl.PP for State.
Ms. Arti Pandey, DCW counsel.
Mr. Aditya Deswal, Ld. Counsel for accused/ Amicus Curiae.
HC Ankit Dahiya, Naib Court attached to this Court.

Accused not produced from JC.

Let production warrants be issued against accused for 01.09.2020.

Put up on 01.09.2020 for appearance of accused.

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(ANKUR JAIN)
ASJ(Special Fast Track Court)-01
West, THC, Delhi/19.08.2020

FIR No : 329/19
PS: Patel Nagar
STATE VS. Govinda @ Aryan

Hearing took place through Cisco WebEx.

19.08.2020

File is taken up for hearing in terms of Circular no. 322/ RG/DHC/2020 dated 15.08.2020 of Hon'ble High Court of Delhi and No.524/12979-13069/ Misc./Gaz./DJWest/2020 dated 16.08.2020.

Present: Mr. Subhash Chauhan, Ld. Addl.PP for State.
Ms. Arti Pandey, DCW counsel
Ms. Charu Nagpal, Ld. Counsel for accused with
accused.
HC Ankit Dahiya, Naib Court attached to this Court.

Matter is listed for PE. In terms of circular of Hon'ble Delhi High Court evidence cannot be recorded.

Put up for PE on 05.01.2021.Pw's be summoned.

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(ANKUR JAIN)

ASJ(Special Fast Track Court)-01
West, THC, Delhi/19.08.2020