

In the Court No. 209 of Dr. Archana Sinha, ASJ-06 (POCSO) West, Delhi

Dated 04.07.2020

ORDER

Adjournment of cases fixed for 04.07.2020

Due to Covid-19 pandemic & In pursuant to order bearing No.16/DHC/2020 dated 13.06.2020 of Hon'ble High Court of Delhi, vide which it is provided that the functioning of the Courts subordinate to Hon'ble Delhi High Court shall continue to remain suspended till 30/06/2020 on same terms as contained in their earlier office order No.373/Estt./E1/DHC dated 23.03.2020, No. 159/RG/DHC/2020 dated 25.03.2020, No. 77/RG/DHC/2020 dated 15.04.2020, No.159/RG/DHC/2020 dated 02.05.2020, R-235/RG/DHC/2020 dated 16.05.2020, 305/RG/DHC/2020 dated 21.05.2020 & No. 1347/RG/DHC/2020 dated 29.05.2020.

It is further directed vide order bearing No.16/DHC/2020 dated 13.06.2020 by the Hon'ble High Court of Delhi that the matters listed in the Courts subordinate to Delhi High Court on 15/06/2020 shall be adjourned en bloc by each court in terms of the earlier directions; and with effect from 16.06.2020, all the subordinate Courts shall take up the urgent matters on day-to-day basis (except where Evidence is to be recorded) through Video Conferencing mode and other matters shall be adjourned accordingly.

Thus, all the pending matters listed before this Court on 04.07.2020 would stand adjourned as under:-

| S. No. | Date already fixed | New Date of Hearing | Remarks |
|--------|-----------------------|-----------------------|--|
| 1. | 04.07.2020 (Saturday) | 26.09.2020 (Saturday) | 1. All cases except case at Sr. No.1 & 9 stand adjourned en-bloc to 26.09.2020. 2. The case at Sr. No. 1 titled as State Vs. Untrace is adjourned for 31.07.2020 and the case at Sr. No. 9 titled as State Vs. Rakesh Etc. is adjourned for 13.07.2020. |

The copy of this order be also sent to Jail Superintendent concerned for information and compliance of production of the UTPs accordingly.

It is computer generated copy and does not require signatures as approved by undersigned.

By Order

Sd/-

**(Dr. Archana Sinha)
ASJ-06 (POCSO), West, Tis Hazari, Delhi
Dated 04.07.2020**

UID No. 24/19
Fresh SC No. 02/19
FIR No. 440/16, PS : Anand Parbat
U/s 328/354/34 IPC &
& 8/12 POCSO Act

State Vs. Untrace

04.07.2020

(These Proceedings are conducted through Video Conferencing by using Cisco Webex)

*Present: Shri Gyan Prakash Ray, Ld. Substitute Addl. PP for the State
Ms. Deepika Sachdeva, Ld. Counsel from DCW
(Both present through video conferencing)*

Inspector Chandra Bhan and ASI Bhupender Singh had submitted that they want to file the Final Report (FR) on keeping the accused in Column No.12 and they wanted to scrutinize it by the prosecution/Addl.PP posted in this Court and the prosecutrix was to be produced as asked by Ld. Addl. PP.

He had sought time to produce the Final Report.

Issue notice to the SHO concerned with directions to file Final Report in the Court on or before next date.

The SHO & IO concerned shall appear with the prosecutrix through video conferencing.

Be listed on **31.07.2020**.

(Dr. Archana Sinha)
Addl. Sessions Judge-06(West)
Tis Hazari Courts : 04.07.2020

UID No.57234/16
New SC No.05/17, Old SC No.41/14
FIR No.14/14 , P.S. Anand Parbat
U/s 506 & 23 JJ Act r/w 34 IPC & 6 POCSO Act

State Vs. Rakesh Etc.
(1) Rakesh (2) Meena

04.07.2020

(These Proceedings are conducted through Video Conferencing by using Cisco Webex)

*Present: Sh. Gyan Prakash Ray, Ld. Substitute Addl. PP for State
Ms.Geeta Luthra, Ld. Sr. Advocate with Ms.Shivani Luthra Lohia,
Ld. Counsel for both accused persons namely Rakesh and Meena
Ms.Deepika Sachdeva, Ld. Counsel from DCW
(all present through video conferencing)*

Due to Covid-19 pandemic & in pursuant to order bearing No.16/DHC/2020 dated 13.06.2020 of Hon'ble High Court of Delhi, vide which it is provided that the functioning of the Courts subordinate to Hon'ble Delhi High Court shall continue to remain suspended till 30/06/2020 on same terms as contained in their earlier office order No.373/Estt./E1/DHC dated 23.03.2020, No. 159/RG/DHC/2020 dated 25.03.2020, No. 77/RG/DHC/2020 dated 15.04.2020, No.159/RG/DHC/2020 dated 02.05.2020, R-235/RG/DHC/2020 dated 16.05.2020, 305/RG/DHC/2020 dated 21.05.2020 & No. 1347/RG/DHC/2020 dated 29.05.2020.

It is further directed vide order bearing No.16/DHC/2020 dated 13.06.2020 by the Hon'ble High Court of Delhi that the matters listed in the Courts subordinate to Delhi High Court on 15/06/2020 shall be adjourned en bloc by each court in terms of the earlier directions; and with effect from 16.06.2020, all the subordinate Courts shall take up the urgent matters on day-to-day basis (except where Evidence is to be recorded) through Video Conferencing mode and other matters shall be adjourned accordingly.

In view of order/circular No.421-10147-10195/Misc./Gaz./DJ West/2020 dated 15.06.2020 and in view of

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UID No.57234/16
New SC No.05/17, Old SC No.41/14
FIR No.14/14 , P.S. Anand Parbat
U/s 506 & 23 JJ Act r/w 34 IPC & 6 POCSO Act

State Vs. Rakesh Etc.
(1) Rakesh (2) Meena

04.07.2020

meeting dated 14.06.2020 through Video Conferencing of Ld. District & Sessions Judge (West), Delhi with all the Officers of DHJS & DJS, this matter, already fixed for judgment, is taken up in the list of urgent matters being this case already fixed for judgment, for 13.07.2020.

Ld. Counsel for accused has ensured to produce the accused Meena who is on bail on 13.07.2020.

Ld. Counsel is directed to produce the accused Meena through video conferencing on 13.07.2020.

Issue notice to Jail Superintendent to produce the accused in custody through video conferencing on 13.07.2020 at 3.00 PM.

Ld. Addl. PP and Ld. Counsel for the accused have already been apprised of the next date of hearing as well as for delivering of judgment on that date.

(Dr. Archana Sinha)
Addl. Sessions Judge-06(West)
Tis Hazari Courts : Delhi/04.07.2020

**IN THE COURT OF DR. ARCHANA SINHA
ADDL. SESSIONS JUDGE-06, WEST TIS HAZARI COURTS, DELHI**

UID No.554/17
New SC No. 201/17, Old SC No.197/17
FIR No.148/17, P.S. Tilak Nagar
U/s 201/354C/328/506/385/376 IPC &
& Sec 6 of POCSO Act

State Vs. Kapil Verma @ Kapil Kumar Verma

04.07.2020

(These Proceedings are conducted through Video Conferencing by using Cisco Webex)

*Present: Sh. Gyan Prakash Ray, Ld. Substitute Addl. PP for State
Prosecutrix Ms. K in person
Sh. Himanshu Saxena, Ld. Counsel for accused Kapil Verma @
Kapil Kumar Verma
IO Inspector Gursewak Singh
Ms. Deepika Sachdeva, Ld. Counsel from DCW
(all present through video conferencing)*

This is an application dated 24.06.2020 moved U/s 439 Cr.PC on behalf of accused/applicant Kapil Verma @ Kapil Kumar Verma for grant of interim bail.

Reply dated nil was filed by SI Ankur on behalf of IO on the last date.

The bail application is moved for interim bail on the ground of illness of the mother stating that there is nobody to take care of his mother in this outbreak of Corona pandemic.

The prosecutrix is enquired into. She has shown some threats to her on release of the accused on interim bail stating that he may not disturb her life.

IO Inspector Gursewak Singh has informed that he has verified the factum of illness of the mother of accused. The mother is ill but there are two brothers of the accused who can look after the mother of the accused.

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State Vs. Kapil Verma @ Kapil Kumar Verma

04.07.2020

Ld. Counsel has submitted that the other two brothers are busy in their married life and are not taking care of his old aged mother and also that his mother is worried on hearing the news of death of two inmates in the jail due to Covid-19 pandemic. It is also submitted that the prosecutrix has already been examined and there are no chances of tampering of such evidence and the trial may take its own course to conclude and that in the given family circumstances, he may be granted interim bail for some period to look after his family and his old aged mother.

Also that, the accused was granted interim bail on the death of his father and there were no complaints of any kind regarding his behaviour as apprehended by the prosecutrix.

Ld. Addl. PP has submitted that interim bail, if granted, may not affect the life of the prosecutrix as the offences are serious in nature.

In the above-noted facts & circumstances, considering the old aged ailing mother who requires care, treatment & management for her illness, the fact that the other family members are not taking care of his mother, the fact that the prosecutrix has already been examined and there are no chances of tampering of such evidence and that the trial is prolonged due to lockdown and suspension of normal functioning of the Courts for quite a long time, the accused is granted interim bail for a **period of one month from the date of his release** for the purpose of taking care, for

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State Vs. Kapil Verma @ Kapil Kumar Verma

04.07.2020

treatment and management of his old aged mother, without going into the merits of the case, on furnishing bail bond and surety bond in the sum of Rs.50,000/- with one surety of like amount, to the satisfaction of Ld.Duty MM, subject to the conditions :

1. The accused, a resident of Aligarh, shall not leave the city except required for the purpose of treatment of his mother, without permission of the court.
2. He shall not connect himself with any kind of Internet facility or e-mode to connect the prosecutrix or anybody related to her.
3. The accused shall not meet, visit or contact the prosecutrix or her family in any manner and shall stay away from the places of residence of the prosecutrix and of her visits and shall not make any contact with her.
4. He shall furnish his present and permanent address with supporting documents along with an affidavit/undertaking to inform any change that of without delay.
5. He shall attend the trial without any single default.
6. He shall not try to do anything to hamper the trial or temper the evidence, in any manner.
7. The accused shall surrender himself on expiry of the period of interim bail at 10:30 am in the concerned Jail and shall submit a report about his surrender through his counsel in the Court by 03:00 pm on the same day.

Any observations and expressions in this order shall not tantamount to any adverse influence on the merits of the case.

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UID No.554/17
New SC No. 201/17, Old SC No.197/17
FIR No.148/17, P.S. Tilak Nagar
U/s 201/354C/328/506/385/376 IPC &
& Sec 6 of POCSO Act

State Vs. Kapil Verma @ Kapil Kumar Verma

04.07.2020

Any breach of the conditions above mentioned shall automatically cancel the interim bail and in any such eventuality, he shall make himself available for lodging in the jail.

With these conditions bail application moved under section 439 Cr.P.C for grant of interim bail to accused/applicant Kapil Verma @ Kapil Kumar Verma stands disposed of.

A copy of the order be given dasti to the parties, as prayed.

Copy of the order be sent to the concerned Jail Superintendent for necessary information and compliance.

IA No. 01/2019

This is a bail application dated 29.05.2019 moved U/s 439 Cr.PC on behalf of accused/applicant namely Kapil Kumar Verma for grant of regular bail.

At the request of Ld. Counsel for the accused, as Ld. Counsel wants to withdraw the application, the application is permitted to be withdrawn, thus, the same is dismissed as withdrawn.

(Dr. Archana Sinha)
Addl. Sessions Judge-06(West)
Tis Hazari Courts : Delhi/04.07.2020

**IN THE COURT OF DR. ARCHANA SINHA
ADDL. SESSIONS JUDGE-06, WEST TIS HAZARI COURTS, DELHI**

UID No. 534/19
Fresh SC No.76/19
FIR No. 268/19, P.S. Mundka
U/s 376 IPC & U/S 6 of POCSO Act
Section 75 of J.J. Act & Section 3 of Child Labour Act
(Date of FIR : 23.07.2019)
(Date of arrest : 05.08.2019)

State Vs. Amar Singh

04.07.2020

(These Proceedings are conducted through Video Conferencing by using Cisco Webex)

*Present: Sh. Gyan Prakash Ray, Ld. Substitute Addl. PP for State
Prosecutrix Ms.N alongwith IO ASI Sudesh
Sh. Pankaj Srivastava, Ld. Counsel for accused Amar Singh
Ms. Deepika Sachdeva, Ld. Counsel from DCW
(all present through video conferencing)*

This is an application dated 26.06.2020 moved U/s 439 Cr.PC on behalf of accused/applicant Amar Singh for grant of interim bail sought on the ground of illness of the wife of accused whose surgery for L-1 & L-5 spinal is scheduled for 07.07.2020 and the medical documents of Integrity Spine & Joint Centre of Dr. R.K. Gupta are placed on record.

Reply dated 02.07.2020 has already been filed by IO W/ASI Sudesh.

The verification of medical documents was conducted by IO W/ASI Sudesh and as per the medical verification report dated 04.07.2020, the wife of the accused namely Smt.Neelam Chauhan is suffering from L-1 & L-5 spinal disease and her surgery is scheduled for 07.07.2020.

Ld. Counsel for accused has prayed for interim bail for the purpose of surgery of the wife of accused and treatment, care & management of such surgery. Also that, the prosecutrix has not yet

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UID No. 534/19
Fresh SC No.76/19
FIR No. 268/19, P.S. Mundka
U/s 376 IPC & U/S 6 of POCSO Act
Section 75 of J.J. Act & Section 3 of Child Labour Act
(Date of FIR : 23.07.2019)
(Date of arrest : 05.08.2019)

State Vs. Amar Singh

04.07.2020

been examined and the matter is posted for prosecutrix's evidence but the evidence could not take place due to lockdown and perpetual adjournments for the reasons of outbreak of Covid-19.

The prosecutrix is present before this Court in video conferencing with the IO. The prosecutrix Ms.N was enquired into regarding release of accused on bail for the interim period for the reasons of illness/surgery of the wife of accused. The prosecutrix has given 'no-objection' if the accused is released on interim bail for the above-stated purpose. She was categorically enquired into the aspect of grant of bail to the accused. She has specifically answered that she has 'no-objection' if the accused is released on bail for interim period.

Ld. Addl. PP has stated the seriousness of the nature of offence and for the medical grounds, he leaves it on the Court for the discretion of releasing the accused on interim bail.

Without going into the merits of the case, considering the outbreak of Covid-19 & the lockdown period due to which the prosecutrix could not be examined for a long period, the medical documents duly verified by the IO and the report of Dr. R.K. Gupta of Integrity Spine & Joint Centre that the wife of the accused namely Smt.Neelam Chauhan is suffering from L-1 & L-5 spinal disease and her surgery is scheduled for 07.07.2020, also the prosecutrix who was enquired into during the course of hearing on the bail application, has given 'no-objection' if the accused is released on

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UID No. 534/19
Fresh SC No.76/19
FIR No. 268/19, P.S. Mundka
U/s 376 IPC & U/S 6 of POCSO Act
Section 75 of J.J. Act & Section 3 of Child Labour Act
(Date of FIR : 23.07.2019)
(Date of arrest : 05.08.2019)

State Vs. Amar Singh

04.07.2020

interim bail for the above-stated purpose, observing the law settled in case titled as ***Hanuman Singh and Anr. Vs. State of Rajasthan cited as 42 (1990) DLT 364, 1990 (19) DRJ 201 decided on 29.10.1986*** that in case of no objection of prosecutrix/complainant, a liberal view, while considering the bail, may be adopted by the courts of law, the court is of the considered view that no purpose would be served to keep the liberty of the accused at peril during trial, if he can be procured to face the trial, the accused is granted interim bail for a **period of one month from the date of his release** on furnishing bail bond and surety bond in the sum of Rs.50,000/- with one surety of like amount, to the satisfaction of Ld.Duty MM, subject to the conditions :

1. That the accused shall furnish the doctor's certificate after surgery, that the surgery had taken place.
2. He shall not meet, visit or contact the prosecutrix or her family in any manner and shall stay away from the places of residence of the prosecutrix and of her visits and shall not make any contact with her.
3. He shall not leave the city/country without permission of the court.
4. He shall furnish his present and permanent address with supporting documents along with an affidavit/undertaking to inform any change that of without delay.
5. He shall attend the trial without any single default.
6. He shall not try to do anything to hamper the trial or temper the evidence, in any manner.

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UID No. 534/19
Fresh SC No.76/19
FIR No. 268/19, P.S. Mundka
U/s 376 IPC & U/S 6 of POCSO Act
Section 75 of J.J. Act & Section 3 of Child Labour Act
(Date of FIR : 23.07.2019)
(Date of arrest : 05.08.2019)

State Vs. Amar Singh

04.07.2020

7. The accused shall surrender himself on expiry of the period of interim bail at 10:30 am in the concerned Jail and shall submit a report about his surrender through his counsel in the Court by 03:00 pm on the same day.

Any observations and expressions in this order shall not tantamount to any adverse influence on the merits of the case.

Any breach of the conditions above mentioned shall automatically cancel the interim bail and in any such eventuality, he shall make himself available for lodging in the jail.

With these conditions bail application moved under section 439 Cr.P.C for grant of interim bail to accused/applicant Amar Singh stands disposed of.

A copy of the order be given dasti to the parties, as prayed.

Copy of the order be sent to the concerned Jail Superintendent for necessary information and compliance.

(Dr. Archana Sinha)
Addl. Sessions Judge-06(West)
Tis Hazari Courts : Delhi/04.07.2020

UID No. 56683/2016
New SC No. 49/17, Old SC No. 190/15
FIR No.426/15, P.S. Mundka
U/s 363/366/376/342 IPC & 4 of POCSO Act

State Vs. Suraj @ Rahul

04.07.2020

(These Proceedings are conducted through Video Conferencing by using Cisco Webex)

Present: Sh. Gyan Prakash Ray, Ld. Substitute Addl. PP for State
Prosecutrix Ms. K alongwith IO W/SI Sarita
Ms. Deepika Sachdeva, Ld. Counsel from DCW
(all present through video conferencing)
Sh. Bipul Kumar, Ld. Counsel for accused Suraj @ Rahul
(contacted through phone)

IA No.03/2020

This is an application dated 12.03.2020 u/s 439 Cr.PC on behalf of applicant/accused Suraj @ Rahul for grant of bail.

Reply dated 20.06.2020 has already been filed by the IO.

In support of the bail application, it was submitted by the Ld. Counsel for the applicant/accused that the prosecutrix has not supported the prosecution case and that the prosecutrix has been examined in the Court and there are no chances of tampering of the evidence of material witnesses.

Ld. Addl. PP has vehemently opposed the bail application on the ground that as per the age documents, the prosecutrix was of 14 years of age and her consent is of no consequence and in her earlier examination, she has supported the prosecution case and as the offences are serious in nature, the accused should not be granted bail.

The prosecutrix is present with the IO and she was enquired into the facts on the point as to whether release of accused may be considered or not. The prosecutrix has given her 'no-objection' for releasing the accused on bail. She has submitted that she has left her house on her own and she does not want to raise any allegations against the accused. She has categorically given her 'no-objection' for releasing the accused on bail. Contd...2

State Vs. Suraj @ Rahul

04.07.2020

Considering the above-noted facts and circumstances, the fact that the prosecutrix has already been examined on 27.03.2018 and further examined on 05.03.2020 and her examination is concluded, also that during her examination conducted on 05.03.2020, she has not supported the prosecution case, however, she had supported the prosecution case in her testimony recorded on 27.03.2019 but even at that time she has not identified the case property i.e. her clothes and the bed-sheet, the stage of trial and that the trial has been delayed due to outbreak of Covid-19, the period of custody of the accused and during the enquiries regarding the bail of the accused, the prosecution has given 'no-objection' if the accused is released on bail, observing the law settled in case titled as **Hanuman Singh and Anr. Vs. State of Rajasthan cited as 42 (1990) DLT 364, 1990 (19) DRJ 201 decided on 29.10.1986** that in case of no objection of prosecutrix/complainant, a liberal view, while considering the bail, may be adopted by the courts of law, the court is of the considered view that no purpose would be served to keep the liberty of the accused at peril during trial, if he can be procured to face the trial, the accused is granted bail on furnishing bail bond and surety bond in the sum of Rs.35,000/- with one surety of like amount, to the satisfaction of Ld.Duty MM, subject to the conditions :

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State Vs. Suraj @ Rahul

04.07.2020

1. That the accused shall not leave the city/country without permission of the court.
2. He shall furnish his present and permanent address with supporting documents along with an affidavit/undertaking to inform any change that of without delay.
3. He shall attend the trial without any single default.
4. He shall not try to do anything to hamper the trial or temper the evidence, in any manner.

Any observations and expressions in this order shall not tantamount to any adverse influence on the merits of the case.

With these conditions bail application moved under section 439 Cr.P.C for grant of bail to accused/applicant Suraj @ Rahul stands disposed of.

A copy of the order be given dasti to the parties, as prayed.

Copy of the order be sent to the concerned Jail Superintendent for necessary information and compliance.

(Dr. Archana Sinha)
Addl. Sessions Judge-06(West)
Tis Hazari Courts : Delhi/04.07.2020