

FIR No.113/17
State Vs.Dur Vijay Yadav
PS: EOW

08.06.2020

Present: Ld. APP for the State in person.

Sh. Arvind Kumar Shukla, Ld. counsel for applicant via VCC.

IO absent.

The matter is heard through VCC over Cisco Webex Application Software.

It is 04:23 pm.

Perusal of the order dt. 06.06.2020 passed by Ld. Duty MM is showing that the report was called from ACP concerned seeking explanation as to why IO has not filed the report despite two opportunities. However, today neither the IO has appeared nor report has been received, without any plausible explanation.

Ld. counsel for the applicant submits that the vehicle in question has been detained in police custody for more than one year and due to its detention, the applicant and his family is suffering grave difficulty in traveling even for their medical exigencies during these critical times of Covid-19 crisis. It is further contended that due to the detention of vehicle by police, its value and condition is getting deteriorated with each passing day. Ld. counsel further submits that there is no justification on the part of police in not complying with the Court orders and not filing the reports despite various notices.

From perusal of record, it is evident that the matter is getting adjourned from 02.06.2020 for the want of report from IO/SHO concerned, and there is no plausible explanation as to why till date, the report is not filed despite orders qua issuing notices to ACP concerned and due to detention of the vehicle in police custody, the applicant is suffering grave difficulties, therefore, let a show cause notice be issued to SHO/IO concerned explaining their position as to why the non filing of report despite court notices be not treated as willful disobedience of court orders and as to why the matter against them be not proceeded for such non compliance. The show cause notice be directed through DCP concerned, with a further directions to ensure the filing of the report on 09.06.2020 at 11:00 am.

Put up before concerned Duty MM on 09.06.2020 at 11:00 am through VCC.



The scanned copy of this order be transmitted to counsel for applicant through coordinator Sh. Suresh Pahuja. One copy of order be uploaded on Delhi District Court website.

Concerned Ahlmad is directed to send the notices to SHO/IO/DCP through all permissible modes including email. Needful be done.



(RISHABH KAPOOR)
DMM-03(Central),THC,Delhi

08.06.2020

FIR No.255/19
State Vs. Vikramjeet Sherya
PS: Prasad Nagar

08.06.2020

Present: Ld. APP for the State.

None for applicant.

IO/SI Sanjay Kumar in person.

SI Sanjay seeks some more time for filing the report in compliance of order dt. 27.05.2020.

Co-ordinator of VCC Sh. Suresh Pahuja has telephonically informed the Ahlmad of this Court that a request has been received on behalf of counsel for applicant seeking adjournment of the case due to some unavoidable circumstances and the email as received from counsel for applicant has already been sent to the email id of the undersigned by the co-ordinator VCC.

In view of the request seeking adjournment, the matter stands adjourned for purpose fixed and filing of the report by IO on 16.06.2020.


(RISHABH KAPOOR)
DMM-03(Central),THC,Delhi
08.06.2020

FIR No.255/19
State Vs.Vikramjeet Sherya
PS: Prasad Nagar

08.06.2020

Present: Ld. APP for the State.

None for applicant.


IO/SI Sanjay Kumar in person.

SI Sanjay seeks some more time for filing the report in compliance of order dt.

27.05.2020.

Co-ordinator of VCC Sh. Suresh Pahuja has telephonically informed the Ahlmad of this Court that a request has been received on behalf of counsel for applicant seeking adjournment of the case due to some unavoidable circumstances and the email as received from counsel for applicant has already been sent to the email id of the undersigned by the co-ordinator VCC.

In view of the request seeking adjournment, the matter stands adjourned for purpose fixed and filing of the report by IO on 16.06.2020.


(RISHABH KAPOOR)
DMM-03(Central),THC,Delhi
08.06.2020

FIR No.255/19
State Vs.Vikramjeet Sherya
PS: Prasad Nagar

08.06.2020

Present: Ld. APP for the State.

None for applicant.

IO/SI Sanjay Kumar in person.

SI Sanjay seeks some more time for filing the report in compliance of order dt. 27.05.2020.

Co-ordinator of VCC Sh. Suresh Pahuja has telephonically informed the Ahlmad of this Court that a request has been received on behalf of counsel for applicant seeking adjournment of the case due to some unavoidable circumstances and the email as received from counsel for applicant has already been sent to the email id of the undersigned by the co-ordinator VCC.

In view of the request seeking adjournment, the matter stands adjourned for purpose fixed and filing of the report by IO on 16.06.2020.

(RISHABH KAPOOR)
DMM-03(Central),THC,Delhi
08.06.2020

FIR No.255/19
State Vs.Vikramjeet Sherya
PS: Prasad Nagar

08.06.2020

Present: Ld. APP for the State.

None for applicant.

IO/SI Sanjay Kumar in person.

SI Sanjay seeks some more time for filing the report *incompliance of order dt.*

27.05.2020.

Co-ordinator of VCC Sh. Suresh Pahuja has telephonically informed the Ahlmad of this Court that a request has been received on behalf of counsel for applicant seeking adjournment of the case due to some unavoidable circumstances and the email as received from counsel for applicant has already been sent to the email id of the undersigned by the co-ordinator VCC.

In view of the request seeking adjournment, the matter stands adjourned for purpose fixed and filing of the report by IO on 16.06.2020.


(RISHABH KAPOOR)
DMM-03(Central),THC,Delhi
08.06.2020

CC No. 2579/19

08.06.2020

Present: Ms. Maulshree, Ld. counsel for applicants via VCC.
Sh. Deepak Rohilla, Assistant Ahlmad in the Court of Ld. ACMM (Special Acts),
Central.

Sh. Deepak Rohilla, Assistant Ahlmad has filed report under his signatures. Same is taken on record.

It is 04:40 pm. The matter is heard through VCC over Cisco Webex Application Software.

Ld. counsel for applicant submits that the present joint application is moved for seeking clarification in order dt. 03.06.2020 passed by Ld. Duty MM wherein, the number of the one of the complaint case has been mentioned as 5773/2017 instead of 2773/17.

It is stated in the application that the applicants are facing trial in the Court of Sh. Viplav Dabas, Ld. ACMM with respect to CC No. 5772/17 titled as ITO Vs. Unitech Ltd., CC No. 5773/17 titled as ITO Vs. M/s Unitech Hitech Developers Ltd., CC No. 2578/19 titled as ROC Vs. Ramesh Chandra and CC No. 2579/19 titled as ROC Vs. Ramesh Chandra and except these cases, there is no other case pending against applicants, in the Court of Ld. ACMM, (Special Acts). It is further stated that in order dt. 03.06.2020 passed by Ld. Duty MM, inadvertently the particular of one of the case is mentioned as CC No. 5773/17 instead of 2773/17 and the clarification in such regard has been sought.

The concerned Ahlmad has produced the case files pertaining to CC No. 5772/17 titled as ITO Vs. Unitech Ltd., CC No. 5773/17 titled as ITO Vs. M/s Unitech Hitech Developers Ltd., CC No. 2578/19 titled as ROC Vs. Ramesh Chandra and CC No. 2579/19 titled as ROC Vs. Ramesh Chandra, which are seen and returned. As per the report of concerned Ahlmad, apart from the aforementioned cases there is no other case pending against the applicant, in the Court of Ld. ACMM, Special Act, THC. It is further stated in the report that accused persons are not on bail in aforementioned cases.

Ld. counsel for applicant submits that the accused persons have already been admitted on bail in aforesaid cases vide orders dt. 20.05.2020 passed by Sh. Pranav Joshi, Ld. Duty MM and intimation in such regard was also sent to the Jail Authorities.


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Since, vide present application, only the clarifications in order dt. 03.06.2020 have been sought. The perusal of copy of order dt. 03.06.2020 passed by Sh. Abhishek Malhotra, Ld. Duty MM is revealing that on such date, upon application moved on behalf of applicants, the clarifications were issued by the Ld. Duty MM mentioning the numbers of cases in respect of which the production warrants were inadvertently issued qua applicants. In such order there is mention of CC No. 5778/19, 5779/19 and 5773/17. However, in view of discussion made above coupled with the report of the Assistant Ahlmad of concerned Court as it perceives that the applicant are facing trial only with respect to CC No. 5772/17, 5773/17, 2578/19 and 2579/19 in the Court of Sh. Vipray Dabas, Ld. ACMM, Special Act, and there is no case bearing CC No. 2773/17 pending against applicants, in the Court of Ld. ACMM, Special Acts, THC. Accordingly, the clarifactory order on aforesaid terms is hereby given.

Scanned copy of this order be transmitted to Ld. counsel for applicant through co-ordinator Sh. Suresh Paluja. One copy be also sent to concerned Jail Superintendent for information and compliance, if any at his end.

One copy be also uploaded on Delhi District Court website.

Application stands disposed off.


(RISHABH KAPOOR)
DMM-03(Central),THC,Delhi
08.06.2020