

State Vs Krishan
FIR NO.129/2020
PS Punjabi Bagh

19-08-2020

Present: Learned Additional Public Prosecutor for the State.
Sh Ajay Kumar Khawal, Learned Counsel for the applicant / accused is connected through Cisco Webex Meeting App.

Charge sheet taken up on the request of the Ld Counsel for the accused/applicant as Ld Counsel has moved an application for grant of regular bail of the accused under section 437 Cr PC.

Ld Counsel requests for supply of copy of the charge sheet to him as he wants to make submissions after receiving the copies of the charge sheet as there was some addition of sections in the charge sheet which he was not completely aware of. In the interest of justice, let copy of the charge sheet be supplied to the Ld Counsel for the accused through mail ID or physically if he can collect the same from the court.

Put up for arguments on the bail application as well for consideration of the charge sheet on 21-08-2020. Ld APP to also make the submissions with respect to the consideration of the charge sheet as well.

As prayed, let a copy of this order be supplied to the ld Counsel for the accused Dasti through whatsapp.

(Manu Vedwan)

MM: West District: THC/Delhi

19-08-2020

FIR No.129/2020
u/s 356/379/34 IPC
PS Punjabi Bagh
State Vs. Krishan

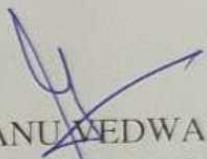
18.08.2020

An application for bail received on official email-ID.

Present: Ld. APP for the State.

Ld. Counsel for the complainant is present through electronic mode.

Be put up with the file on 19.08.2020.


(MANU WEDWAN)
MM-01(West)/THC:Delhi
18.08.2020

Case No.5543/16
PS Punjabi Bagh

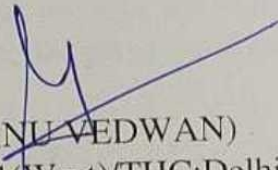
19.08.2020

File taken up today in compliance of orders of Hon'ble High Court vide its circular no.26/DHC/2020 dated 30.07.2020. (The present case was earlier en-blocked on 08.04.2020 for 19.08.2020 as per the directions of Hon'ble High Court).

Present: None for the parties.

Presence of the parties could not be procured on the Cisco webex meet app.

In the interest of justice, be put up for purpose fixed on 11.11.2020.


(MANU VEDWAN)
MM-01(West)/THC:Delhi
19.08.2020

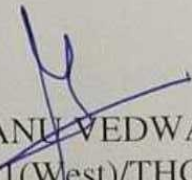
FIR No.379/16
Case No.73920/16
PS Punjabi Bagh

19.08.2020

File taken up today in compliance of orders of Hon'ble High Court vide its circular no.26/DHC/2020 dated 30.07.2020. (The present case was earlier en-blocked on 08.04.2020 for 19.08.2020 as per the directions of Hon'ble High Court).

Present: Ld. APP for the State.
None for accused persons.

Perusal of record shows that accused Manu was absent even on earlier occasion and coercive measures were issued to procure his presence. In these circumstances and in the interest of justice, let previous order be complied afresh for 11.11.2020.


(MANU VEDWAN)
MM-01(West)/THC:Delhi
19.08.2020

FIR No.640/16
Case No.6869/17
PS Punjabi Bagh

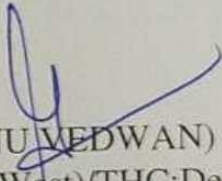
19.08.2020

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Present: Ld. APP for the State.

None for accused.

Summons to accused were issued however the same could not be received back due to Covid-19. In the interest of justice, let previous order be complied afresh returnable by 11.11.2020.


(MANU VEDWAN)
MM-01(West)/THC:Delhi
19.08.2020

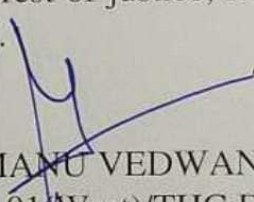
FIR No.397/17
Case No.498/18
PS Punjabi Bagh
S/v Untrace

19.08.2020

File taken up today in compliance of orders of Hon'ble High Court vide its circular no.26/DHC/2020 dated 30.07.2020. (The present case was earlier en-blocked on 08.04.2020 for 19.08.2020 as per the directions of Hon'ble High Court).

Present: Ld. APP for the State.
None for complainant.

Summons to complainant were issued however the same could not be received back due to Covid-19. In the interest of justice, let previous order be complied afresh returnable by 11.11.2020.


(MANU VEDWAN)
MM-01(West)/THC:Delhi
19.08.2020

FIR No.712/14
Case No.7647/18
PS Ranjit Nagar

19.08.2020

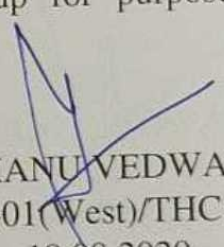
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Present: Ld. APP for the State.

None for proposed accused.

Presence of proposed accused could not be procured on the cisco webex meet app.

In the interest of justice, be put up for purpose fixed on 11.11.2020.


(MANU VEDWAN)
MM-01(West)/THC:Delhi
19.08.2020

Amit Gupta Vs. Sunita Verma
Case No.4675/19
PS Punjabi Bagh

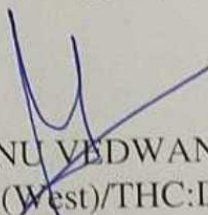
19.08.2020

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Present: None for complainant.

Presence of complainant could not be procured on the Cisco webex meet app.

In the interest of justice, be put up for appearance of the complainant / further proceedings on 11.11.2020.


(MANU VEDWAN)
MM-01(West)/THC:Delhi
19.08.2020

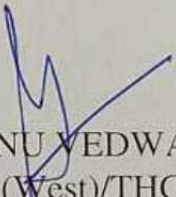
FIR No.261/19
Case No.7830/19
PS Punjabi Bagh

19.08.2020

File taken up today in compliance of orders of Hon'ble High Court vide its circular no.26/DHC/2020 dated 30.07.2020. (The present case was earlier en-blocked on 08.04.2020 for 19.08.2020 as per the directions of Hon'ble High Court).

Present: Ld. APP for the State.
None for accused.

Summons were issued to the accused however, the same could not be received back due to Covid19. In the interest of justice, let previous order be complied afresh for 11.11.2020.

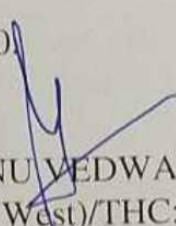

(MANU YEDWAN)
MM-01(West)/THC:Delhi
19.08.2020

e-FIR No.46142/18
Case No.7862/19
PS Punjabi Bagh

19.08.2020

File taken up today in compliance of orders of Hon'ble High Court vide its circular no.26/DHC/2020 dated 30.07.2020. (The present case was earlier en-blocked on 08.04.2020 for 19.08.2020 as per the directions of Hon'ble High Court).

Present: Ld. APP for the State.
None for accused persons.
Be put up for purpose fixed on 11.11.2020


(MANU VEDWAN)
MM-01(West)/THC:Delhi
19.08.2020

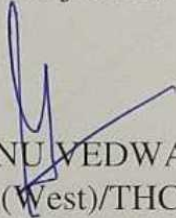
e-FIR No.7969/19
Case No.9413/19
PS Punjabi Bagh

19.08.2020

File taken up today in compliance of orders of Hon'ble High Court vide its circular no.26/DHC/2020 dated 30.07.2020. (The present case was earlier en-blocked on 08.04.2020 for 19.08.2020 as per the directions of Hon'ble High Court).

Present: Ld. APP for the State.
None for accused.

Summons were issued to the accused however, the same could not be received back due to Covid19. In the interest of justice, let previous order be complied afresh for 11.11.2020.


(MANU VEDWAN)
MM-01(West)/THC:Delhi
19.08.2020

e-FIR No.339/18
Case No.9414/19
PS Punjabi Bagh

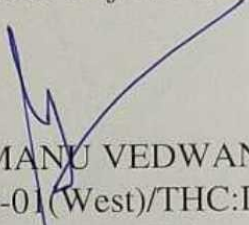
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Present: Ld. APP for the State.

None for accused.

Summons were issued to the accused however, the same could not be received back due to Covid19. In the interest of justice, let previous order be complied afresh for 11.11.2020.


(MANU VEDWAN)
MM-01(West)/THC:Delhi
19.08.2020

FIR No.209/19
Case No.9456/19
PS Punjabi Bagh

19.08.2020

File taken up today in compliance of orders of Hon'ble High Court vide its circular no.26/DHC/2020 dated 30.07.2020. (The present case was earlier en-blocked on 08.04.2020 for 19.08.2020 as per the directions of Hon'ble High Court).

Present: Ld. APP for the State.
None for accused.

Summons were issued to the accused however, the same could not be received back due to Covid19. In the interest of justice, let previous order be complied afresh for 11.11.2020.

(MANUVEDWAN)
MM-01(West)/THC:Delhi
19.08.2020

Case No.9469/19
PS Punjabi Bagh

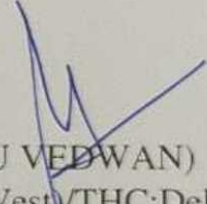
19.08.2020

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Present: Ld. APP for the State.

None for IO.

Put up for purpose fixed on 11.11.2020.


(MANU VEDWAN)
MM-01(West)/THC:Delhi
19.08.2020

FIR No.722/18
Case No.1289/20
PS Punjabi Bagh

19.08.2020

File taken up today in compliance of orders of Hon'ble High Court vide its circular no.26/DHC/2020 dated 30.07.2020. (The present case was earlier en-blocked on 08.04.2020 for 19.08.2020 as per the directions of Hon'ble High Court).

Present: Ld. APP for the State.

Be put up for purpose fixed on 11.11.2020.

(MANU VEDWAN)
MM-01(West)/THC:Delhi
19.08.2020

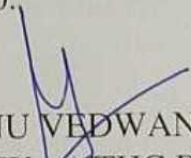
e-FIR No.1120/19
Case No.10038/19
PS Punjabi Bagh

19.08.2020

File taken up today in compliance of orders of Hon'ble High Court vide its circular no.26/DHC/2020 dated 30.07.2020. (The present case was earlier en-blocked on 08.04.2020 for 19.08.2020 as per the directions of Hon'ble High Court).

Present: Ld. APP for the State.
None for accused.

Presence of accused and his counsel could not be procured despite attempts. In the interest of justice, no adverse order is passed today.
Be put up for purpose fixed on 11.11.2020.


(MANU VEDWAN)
MM-01(West)/THC:Delhi
19.08.2020

CC No. 686/2019
State Vs Sunny
FIR NO.1185/2014
PS Punjabi Bagh

19-08-2020

File taken up today in compliance of orders of Hon'ble High Court vide its circular number 26/DHC/2020 dated 30-07-2020. (The present case was earlier en-blocked on 08-04-2020 for 19-08-2020 as per the directions of the Hon'ble High Court).

Present: Ld APP for the State.

As per the circular number 26/DHC/2020 dated 30-07-2020 of Hon'ble High Court, the matter be put up for purpose fixed on 11-11-2020.

(Mam Vedwan)

MM: West District: THC/Delhi
19-08-2020

CC No. 9007/2018
State Vs Rajinder Prasad Sharma
FIR NO.499/2018
PS Punjabi Bagh

19-08-2020

File taken up today in compliance of orders of Hon'ble High Court vide its circular number 26/DHC/2020 dated 30-07-2020. (The present case was earlier en-blocked on 08-04-2020 for 19-08-2020 as per the directions of the Hon'ble High Court).

Present: Ld APP for the State.

Sh Deepak Sahani and Sh Rupesh Sharma, Ld Counsels for the accused.

As per the circular number 26/DHC/2020 dated 30-07-2020 of Hon'ble High Court, the matter be put up for purpose fixed on 11-11-2020.

(Manu Vedwan)
MM: West District: THC/Delhi
19-08-2020

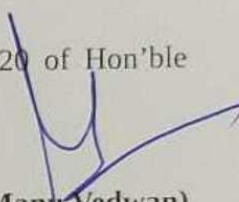
CC No.556/2019
State Vs Kuldeep Singh Gilli
FIR NO.558/2018
PS Punjabi Bagh

19-08-2020

File taken up today in compliance of orders of Hon'ble High Court vide its circular number 26/DHC/2020 dated 30-07-2020. (The present case was earlier en-blocked on 08-04-2020 for 19-08-2020 as per the directions of the Hon'ble High Court).

Present: Ld APP for the State.

As per the circular number 26/DHC/2020 dated 30-07-2020 of Hon'ble High Court, the matter be put up for purpose fixed on 11-11-2020.


(Manu Vedwan)
MM: West District: THC/Delhi
19-08-2020

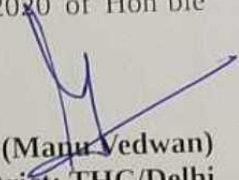
CC No.5942/2018
State Vs Jai Prakash
FIR NO. 313/2018
PS Punjabi Bagh

19-08-2020

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Present: Ld APP for the State.

As per the circular number 26/DHC/2020 dated 30-07-2020 of Hon'ble High Court, the matter be put up for purpose fixed on 11-11-2020.


(Manu Vedwan)
MM: West District: THC/Delhi
19-08-2020

CC No. 3328/2018
State Vs Pawan
FIR NO. 169/2017
PS Punjabi Bagh

19-08-2020

File taken up today in compliance of orders of Hon'ble High Court vide its circular number 26/DHC/2020 dated 30-07-2020. (The present case was earlier en-blocked on 08-04-2020 for 19-08-2020 as per the directions of the Hon'ble High Court).

Present: Ld APP for the State.

As per the circular number 26/DHC/2020 dated 30-07-2020 of Hon'ble High Court, the matter be put up for purpose fixed on 11-11-2020.


(Manu Vedwan)

MM: West District: THC/Delhi
19-08-2020

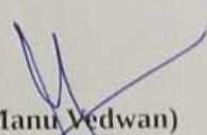
CC No. 4621/2017
State Vs Kunj Bihari
FIR NO. 3/2015
PS Punjabi Bagh

19-08-2020

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Present: Ld APP for the State.

As per the circular number 26/DHC/2020 dated 30-07-2020 of Hon'ble High Court, the matter be put up for purpose fixed on 11-11-2020.


(Manu Vedwan)
MM: West District: ~~THC~~/Delhi
19-08-2020

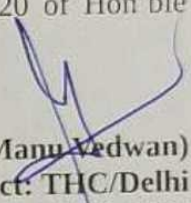
CC No.4128/2016
Dr NK Sharma Vs Girish Sethi
PS Punjabi Bagh

19-08-2020

File taken up today in compliance of orders of Hon'ble High Court vide its circular number 26/DHC/2020 dated 30-07-2020. (The present case was earlier en-blocked on 08-04-2020 for 19-08-2020 as per the directions of the Hon'ble High Court).

Present: None.

As per the circular number 26/DHC/2020 dated 30-07-2020 of Hon'ble High Court, the matter be put up for purpose fixed on 11-11-2020.


(Manu Yadwan)
MM: West District: THC/Delhi
19-08-2020

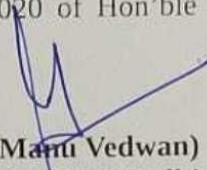
CC No.7351/2016
Ramjilal Vs Suleman
PS Punjabi Bagh

19-08-2020

File taken up today in compliance of orders of Hon'ble High Court vide its circular number 26/DHC/2020 dated 30-07-2020. (The present case was earlier en-blocked on 08-04-2020 for 19-08-2020 as per the directions of the Hon'ble High Court).

Present: None.

As per the circular number 26/DHC/2020 dated 30-07-2020 of Hon'ble High Court, the matter be put up for purpose fixed on 11-11-2020.


(Manu Vedwan)
MM: West District: THC/Delhi
19-08-2020

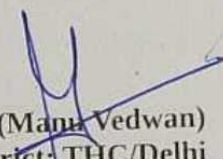
CC No. 72989/2016
State Vs Indervesh
FIR NO. 387/2009
PS Punjabi Bagh

19-08-2020

File taken up today in compliance of orders of Hon'ble High Court vide its circular number 26/DHC/2020 dated 30-07-2020. (The present case was earlier en-blocked on 08-04-2020 for 19-08-2020 as per the directions of the Hon'ble High Court).

Present: Ld APP for the State.

As per the circular number 26/DHC/2020 dated 30-07-2020 of Hon'ble High Court, the matter be put up for purpose fixed on 11-11-2020.


(Manu Vedwan)
MM: West District: THC/Delhi
19-08-2020

Kuljit Singh Sahani Vs Seema Kalra

Case No. 524/18

PS Punjabi Bagh

19.08.2020

Present: Ld. Counsel for the complainant.

Vide separate order, the present application under Section 156(3) Cr.P.C of the complainant is hereby dismissed. However, while taking cognizance of the offence as alleged, the complainant is hereby directed to bring his evidence.

Put up for pre-summoning evidence on 26.10.2020.



(MANU VEDWAN)

MM-01/West/THC/19.08.2020

Kuljit Singh Sahani Vs Seema Kalra

Case No. 524/18

PS Punjabi Bagh

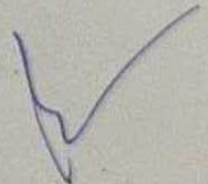
19.08.2020

Vide this order, the court shall decide the application of the complainant Kuljit Singh Sahani under Section 156 (3) Cr.P.C for the registration of FIR against proposed accused persons.

1. Case of the complainant is that complainant had taken a loan of Rupees 20 Lacs from proposed accused number 1 & 3 for the fixed period of two months. It is further stated that loan agreement was executed between parties and complainant had also handed over two post dated security cheques to the proposed accused number 1 & 3. It is further alleged that in accordance with loan agreement complainant had repaid the loan amount back within stipulated time. It is also alleged that in return both proposed accused number 1 & 3 had to return the aforementioned security cheques, but, they miserably failed to do so on one pretext or the other. On, being asked, complainant was abused by proposed accused number-2. It is further stated that, thereafter, one of the cheques was presented for encashment and complainant was forced to write application for stopping payment qua both cheques, to his bank, as he had left with no liability towards proposed accused number 1 & 3. It is further stated that even after filing of complaint police had failed to take any action. Therefore, it is requested that this court may direct the registration of First Information Report against the proposed accused persons under the appropriate provisions of Law.

STATUS REPORT FILED BY THE INVESTIGATING OFFICER

2. Upon asking of the Court apart from reiterating the facts of the case the Inquiry / Investigating Officer has stated that admittedly both the parties are in relationship of exchanging their monies as per time and need. Upon interrogation proposed accused persons had also stated that as complainant had failed to return back their money. They had presented his cheque for encashment towards his liabilities. Most of



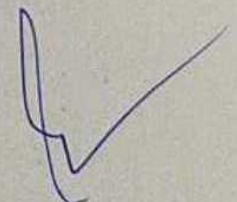
the transactions between parties were in cash. Already, case under section 138 Negotiable Instruments Act is pending between the parties. It is further stated that as no cognizable offence is being made out so First Information Report was not lodged.

SUBMISSIONS MADE ON BEHALF OF THE COMPLAINANT

- 3 Oral submissions of the Learned Counsel for complainant heard at length through Cisco Webex meet application. During the course of oral submissions, Ld. Counsel has once again reiterated the need that court should invoke its powers under Section 156(3) Cr.P.C. The photographs filed by the Id. Counsel also perused carefully.

FINDINGS ON THE APPLICATION UNDER SECTION 156(3) CR.P.C

- 4 It is to be noted that Hon'ble Superior courts have regularly advised the Magistrates not to pass the orders under Section 156 (3) Cr.P.C thereby, directing, the police officers to investigate the matters, mechanically. It is expected from the Magistrate that while exercising his / her power under Section 156(3) Cr.P.C, he/she must be judicious enough. Distinction, has been carved out, between the cases, where police investigation is essential for the collection of evidence which is neither in the possession of the complainant nor can be produced by the witnesses, on being summoned, by the court at the instance of the complainant, from those cases, in which the investigation, is necessary for the purpose of collection of evidence. Hon'ble Superior Courts have gone to the extent of asking for giving cogent reasons of proceeding under Chapter XII that is 'Information to the Police and their powers to Investigate' instead of Chapter XV that is 'Complaints to Magistrate' of the code. Reliance has been placed upon the decision of our own Hon'ble High Court in **M/s. Skipper Beverages Pvt. Ltd. Vs State, Cited as 2001 IV AD (Delhi)** and **Subhakaran Laharuka & Anr. Vs. State & Anr., Cited as MANU/DE/1646/2010.**
- 5 In the present facts and circumstances, after going through the case as well as application of the complainant it can be safely said that all the allegations levelled by the complainant appears to be within broad contours of the material which is already in his possession viz. orai



testimony with respect to alleged sequence of events by him or anybody else including the alleged witnesses to transactions between parties and who may be summoned if required. Thus, as the allegations made by the complainant can be proved by him by leading evidence himself therefore it appears that there is no need to do field investigation to probe into the allegations made by the complainant. As, no cognizable offence is being made out against the proposed accused persons, there is no justification in directing the police for registering the First Information Report. There seems to be really no ground existing on which the assistance of the police is required.

- 6 Therefore, keeping in view of the above discussion, and as that the complainant is having control over all the relevant pieces of evidences, I am not inclined to give the direction to the SHO for the registration of the case. Moreover, subsequently, after evidence of complainant, if it is deemed necessary, then police inquiry as envisaged under Section 202 Cr.P.C can be initiated. Accordingly, the present application under Section 156(3) Cr.P.C of the complainant is hereby dismissed. However, while taking cognizance of the offence as alleged, the complainant is directed to bring his evidence.
- 7 Anything, stated herein above, shall not tantamount to expression of opinion on the merits of the complaint case. Put up for pre-summoning evidence on 26.10.2020

(MANU VEDWAN)
MM-01/West/THC/19.08.2020