

e-FIR No. 508/17
U/S 457/302/34 IPC
PS. Jaitpur
State Vs. Birju
19.05.2020

The proceedings are being conducted, in terms of office order No. 14 dated 16.05.2020 passed by Ld. District & Sessions Judge, South-East District, Saket Courts, New Delhi through CISCO Webex Video Conferencing and in which the Nodal Officer, Computer Branch Sh. Ravi Verma is coordinating and is present alongwith Judicial Assistant, filing Section Ms. Pinky.

Present : Sh. Dheeraj Kumar, Ld. Addl. PP for the State.

Sh. M. Naushad, Ld. Counsel for accused.

Reply received from IO/Inspector Vipin.

The present application is under Section 439 Cr.P.C seeking grant of interim bail filed on behalf of applicant/accused Birju.

Arguments heard on the bail application.

It is submitted by Ld. Counsel for applicant/accused that instead of interim bail, accused may be heard on regular bail.

It is contended on behalf of the applicant/accused that charge-sheet has already been filed before the court and the case is at the stage of prosecution evidence wherein all the material witnesses have already been examined and cross-examined. He was arrested on 03.10.2017 and is in custody since then. He was falsely implicated in this case. Applicant/accused undertakes to comply with any condition that this Court deems it fit to impose at the time of grant of bail to applicant. It is also submitted that in a similar case, Hon'ble Jharkhand High Court in BA No. 10779/19 in Bhimsen Mandal & Ors. vs. State, given bail to the accused.

Per contra, Ld. Addl. PP for the State has contended that very serious offences of murder are against the co-accused/applicant Birju. He further


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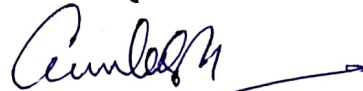
submits that the case is at the stage of prosecution evidence and witnesses have to be examined. It is also submitted that the bail application of accused Birju was earlier dismissed. It is submitted that the case being referred to was different on the facts and in any case, bail has to be considered on the facts and circumstances of the case.

At this stage, Ld. Counsel for applicant/accused submits that accused Birju had moved regular bail application before the Ld. Sessions Court and the same was dismissed.

Heard both the parties and the record and judgment, as filed.

The accused is facing trial in a serious offence of murder. The case is at the stage of evidence. Hence, considering the facts and circumstances of the case, the severity of the offence, I do not deem it fit a case to grant bail to the accused/applicant Birju. The application under consideration is dismissed.

Copy of this order be uploaded on the court website forthwith and also email, as per the protocol, for onward transmission to all the concerned parties.



(AMITABH RAWAT)

**Duty Additional District & Sessions Judge, South-East
(Due to lock-down in pursuant to COVID-19 epidemic)
Saket Courts, New Delhi/19.05.2020.**

e-FIR No. 165/19
U/S 363/376D & POCSO IPC
PS. Jaitpur
State Vs. Gulzar
19.05.2020

The proceedings are being conducted, in terms of office order No. 14 dated 16.05.2020 passed by Ld. District & Sessions Judge, South-East District, Saket Courts, New Delhi through CISCO Webex Video Conferencing and in which the Nodal Officer, Computer Branch Sh. Ravi Verma is coordinating and is present alongwith Judicial Assistant, filing Section Ms. Pinky.

Present : Sh. Dheeraj Kumar, Ld. Addl. PP for the State.

Sh. Rashid Hussain, Ld. Counsel for accused Gulzar.

Reply received from IO/SI Madhuri.

The present application is under Section 439 Cr.P.C seeking grant of interim bail was filed on behalf of applicant/accused Gulzar and lastly taken up on 14.05.2020.

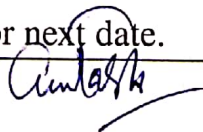
Arguments partly heard.

It is seen that the present bail application is in respect of 363/376D/34 IPC & 6 POCSO Act and the complainant has not been issued notice.

In view of the directions of higher courts, issue notice to the complainant through concerned IO for next date i.e. 22.05.2020.

At this stage, it is pointed by Ld. Counsel for accused that vide order dated 12.05.2020 of Ld. Addl. District & Sessions Judge (on duty) (SE), Saket Courts, New Delhi had called a detailed medical report of accused Gulzar from the Jail Superintendent but no such report has been received.

In these circumstances, let a detailed medical report including psychological assessment of applicant/accused Gulzar be called afresh from the Jail Superintendent, Tihar for next date.



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Put up for arguments on bail application on 22.05.2020.

Let this order be uploaded on the court website and also email, as per the protocol, for onward transmission to all the concerned parties including the Jail Superintendent, Tihar Jail. The copy of the report from the Jail Superintendent may also be supplied to the counsel for the accused as and when received.



(AMITABH RAWAT)

**Duty Additional District & Sessions Judge, South-East
(Due to lock-down in pursuant to COVID-19 epidemic)**

Saket Courts, New Delhi/19.05.2020

e-FIR No. 524/16

U/S 365/364A/392/395/397/328/343/412/506/120B/34 IPC & 25/27 Arms Act

PS. Jaitpur

State Vs. Manish, Rahul & Gaurav Kumar

19.05.2020

The proceedings are being conducted, in terms of office order No. 14 dated 16.05.2020 passed by Ld. District & Sessions Judge, South-East District, Saket Courts, New Delhi through CISCO Webex Video Conferencing and in which the Nodal Officer, Computer Branch Sh. Ravi Verma is coordinating and is present alongwith Judicial Assistant, filing Section Ms. Pinky.

Present : Sh. Dheeraj Kumar, Ld. Addl. PP for the State.

Sh. M. Naushad, Ld. Counsel for applicants/accused.

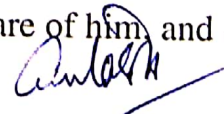
IO/SI Prateek Saxena in person.

Reply received from IO.

The present application is under Section 439 Cr.P.C seeking grant of interim bail was filed on behalf of three applicants/accused persons and lastly taken up on 16.05.2020. In terms of the directions, IO is present.

It is submitted by Ld. Counsel for the accused that he is pressing interim bail for a period of 45 days upon medical condition of the father of the accused persons who are real brothers. The father is very ill and suffered heart-attack and is on death-bed.

Ld. Addl. PP for the State submits that earlier bail application of applicant no. 1 & 2 was dismissed on 30.04.2020 and even medical condition of the father of the accused was one of the ground in the said bail application decided, though no document was filed. It is also submitted that only one document of 04.05.2020 has been filed, which is by Pradhan of the Panchayat saying that Ramesh is unwell and nobody to take care of him and also one



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prescription of a dispensary of 04.05.2020 without any details of the diagnosis. It does not show any exact medical history of the father of the accused persons.

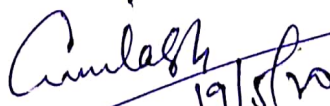
IO, present in the court, submits that due to lock-down he could not verify the status of the father of the accused persons as he does not live in Delhi and live in Etah, UP. It is also submitted that apart from the accused persons there are two other sons and daughter of the father of the accused persons who may be taking care of the father of the accused.

At this stage, Ld. Counsel for accused submits that father of the accused had suffered heart-attack and is on death-bed and he will file all the relevant documents and for which some time be given.

Heard.

At request of the counsel for the accused, put up for filing of the medical documents and consideration on the present bail application on 21.05.2020.

Copy of this order be uploaded on the court website forthwith and also email, as per the protocol, for onward transmission to all the concerned parties.


(AMITABH RAWAT)

**Duty Additional District & Sessions Judge, South-East
(Due to lock-down in pursuant to COVID-19 epidemic)
Saket Courts, New Delhi/19.05.2020**

CS No.: 236-19

Tottenham India Law Ass. Vs. Bridge & Roof Co. (I) Ltd.

19.05.2020

The proceedings are being conducted, in terms of office order No. 14 dated 16.05.2020 passed by Ld. District & Sessions Judge, South-East District, Saket Courts, New Delhi through CISCO Webex Video Conferencing and in which the Nodal Officer, Computer Branch Sh. Ravi Verma is coordinating and is present alongwith Judicial Assistant, filing Section Ms. Pinky.

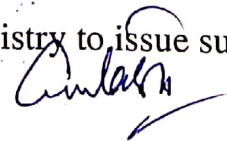
An application under Section 151 CPC seeking direction for the compliance of the order of the Hon'ble Court dated 07.03.2020 has been received through email as per the official protocol.

Present : Sh. P.K. Jha, Ld. Counsel for plaintiff.

It is submitted by Ld. Counsel for applicant/plaintiff that he has filed a civil suit No. 236/19 in the regular court of Sh. Sanjay Sharma-II, Ld. Addl. District Judge(SE), Saket Courts, New Delhi and after hearing arguments, summons were issued to the defendant on 07.03.2020 to be listed on 20.05.2020. It is further submitted that he had filed PF but summons could not be issued and lock-down was announced. It is prayed that this court may issue summons to the defendant in the said case.

Submissions heard.

This Court is working as a Duty Court which is assigned duty of dealing with bail/urgent criminal applications, or all urgent civil cases/injunctions matters/stay/application including MACT cases in terms of order no. 14 dated 16.05.2020 of the Ld. District & Sessions Judge, South-East, Saket Courts, New Delhi. As stated by the counsel for plaintiff, the suit is already filed and is pending in regular court. This is a Duty Court dealing with only urgent matters. This is an application for taking up a case which is already pending in a regular court and only to ask the Registry to issue summons to the



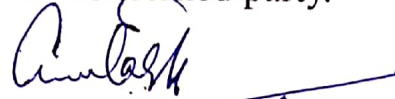
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defendants. It was because of lock-down that all the cases have been struck but this court in the present capacity cannot order for issuance of summons in a case which is pending in regular court in which the file is already with the concerned court and not the Duty Court. The applicant/plaintiff has moved the application for issuance of the summons but there is no urgent relief or stay, as sought in the present application.

Hence, the present application be kept for the regular court as and when the court reopens.

Copy of this order be uploaded on the website and also emailed as per the protocol for onward transmission to the concerned party.



(AMITABH RAWAT)

**Duty Additional District & Sessions Judge, South-East
(Due to lockdown in pursuant to COVID-19 epidemic)
Saket Courts, New Delhi/19.05.2020**