#### RTI Appeal No. 04/2020 Navinder Oberoi Vs. PIO West

29.09.2020

#### ORDER:

- 1. By this order, I shall dispose of the present RTI appeal as filed by the appellant Navinder Oberoi.
- 2. This RTI appeal was received on 18.02.2020 through speed post and thereafter, matter was listed for 02.03.2020 and after that, matter was listed for 13.03.2020 and 17.03.2020. On 17.03.2020, Proxy counsel for the appellant filed written submissions and thereafter, matter was adjourned for 18.03.2020 for argument on RTI appeal. On 18.03.2020, none appeared for the appellant, however, written submissions as filed on behalf of the appellant was already on record and hence, matter was posted for 23.03.2020 for order. However, on 23.03.2020, order could not be passed as some clarification was required. Moreover, on 23.03.2020, ld. Counsel for the appellant submitted that he does not want to appear for the appellant and he is withdrawing his vakalatnama. Therefore, in these circumstances, fresh notice was issued to the appellant for 01.04.2020. However, in view of lock-down due to Covid-19 pandemic situation, matter could not be taken up on 01.04.2020. Further, thereafter also, the matter could not be taken up due to lock-down as well as suspension of normal functioning of court works. 1 29/09/2000.

- Accordingly, proceedings in the present RTI appeal has been resumed on 22.08.2020 and fresh notice was issued to the appellant for 29.08.2020 and thereafter for 07.09.2020. On 07.09.2020, counsel for the appellant sought one opportunity for filing vakalatnama.
  - 3. Thereafter on 11.09.2020, the appellant submitted that scanned copy of his RTI appeal and copy of reply as filed by the PIO West may be supplied to him as his file has been misplaced by his earlier counsel. Accordingly, Reader was directed to supply the copies of above documents to the appellant and same were supplied accordingly.
    - 4. Thereafter on 22.09.2020, ld. Counsel for the appellant has filed vakalatnama for the appellant as well as written submissions.
    - 5. This RTI appeal is regarding information sought in Civil Suit no. 613757 titled as Sh. Harminder Singh & Anr. Vs. Sh. G.S. Bawa, pending in the Court of Sh. Prashant Sharma, ld. ADJ-05, West, Tis Hazari Court, Delhi (Successor Court of Sh.Deepak Dabas, the then Ld.ADJ-05, West, THC, Delhi).

In the present RTI appeal, it is mentioned that the appellant received RTI reply dt. 16.01.2020 from the PIO, Tis Hazari Courts, Delhi, on 20.01.2020, whereby it has been stated by the Personal Assistant (Ms. Priti) in the Court of Sh. Deepak Dabas, Ld. = U2 of 06 / 29/09/2010

ADJ-05, West, Tis Hazari Court, Delhi, in her reply that on

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22.11.2018, she made necessary corrections in the order and handed over the final copy to the Ld. PO and thereafter, Ld. PO signed the order. It is further mentioned in the present RTI appeal that however, in the certified copy surprisingly the date has been shown as 15.11.2018.

- 6. It is contended in the RTI appeal that Personal Assistant (Ms. Priti) in the court of Sh. Deepak Dabas, Ld. ADJ-05, West, THC, Delhi has nowhere been crystal clear in her reply dt. 23.04.2019 that how come an order as stated by the said PA, signed on 22.11.2018 was shown as signed on 15.11.2018 on judicial records while obtaining the certified copy.
  - 7. Thus, in the present appeal, appellant is seeking an appropriate, relevant and satisfactory information to be provided to him from the concerned authorities including the RTI authorities.
  - 8. Arguments of ld. Counsel for the appellant as well as of PIO West heard. Apart from oral arguments, ld. Counsel for the appellant also filed written submissions.
  - 9. It is submitted by ld. Counsel for the appellant that copy of order dt. 22.11.2018 was surprisingly found signed by Ld. PO on 15.11.2018 while obtaining certified copy. In the written submission also, it is mentioned that the said order of the Court cannot be shown as signed and pronounced on 15.11.2018.

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- 10. PIO, West submitted that the information as sought from the PIO, West were supplied to the appellant after receiving the information/reply from the concerned Court of Sh. Prashant Sharma, Ld. ADJ-05, West, THC, Delhi (Successor Court of Sh. Deepak Dabas, the then Ld. ADJ-05, West, Delhi).
- 11. I have considered the above submissions and perused the present RTI appeal file.
- 12. Perusal of information supplied to the appellant under RTI Act, 2005, on 16.01.2020 by link PIO, West, THC shows that copy of reply/letter dated 09.01.2020, as received from the Ahlmad of the Court of Sh. Prashant Sharma, ld. ADJ-05, (successor court of Sh. Deepak Dabas, the then ld. ADJ-05, West, THC, Delhi) has been supplied to the appellant and further, it is mentioned that the information had already been supplied to the appellant vide letter 3667/RTI/West/THC/2019/1149, Delhi dated 29.04.2019 and copy of the same again supplied to the appellant vide RTI information dt. 16.01.2020 by the link PIO, West.
- 13. PIO, West, THC, Delhi specifically mentioned in the reply to the present appeal that after receiving the reply dt. 09.01.2020 from the Court of Sh. Prashant Sharma, Ld. ADJ-05, West, THC, Delhi (Successor Court of Sh. Deepak Dabas, Ld. ADJ-05, West, THC, Delhi), the appellant was supplied the information within the prescribed time limit. It is further mentioned in the reply.

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of PIO West that there is no fault/lapse on the part of PIO, West, THC, Delhi.

14. It is specifically mentioned in the reply of PIO, West that the appellant had been informed the requisite information vide reply/information dated 16.01.2020 alongwith copies of the same, running into three pages vide annexure 'B'.

Alongwith the reply/information dt. 16.01.2020 of PIO, West, copy of reply dt. 23.04.2020 of Ms. Priti, PA in the Court of Sh. Deepak Dabas, Ld. ADJ-05, West, THC, Delhi, is also annexed and in the said reply to the RTI reference no. 3649/ RTI/ West/ THC/ 2019/ 1149, Delhi dated 18.04.2019, Ms. Priti, PA in the abovesaid Court has explained in detail mentioning that order was dictated to her by Ld. PO on 15.11.2018 and draft copy was handed over to her by Ld. PO on 17.11.2018 and she kept the draft order with her for necessary corrections on 19.11.2018 as 18.11.2018 was holiday being Sunday and thereafter, on 19.11.2018 and 20.11.2018, she was on medical and further, 21.11.2018 was holiday. Further, it is also leave mentioned in her reply that on 19.11.2018 and 20.11.2018, Ld. PO as well as other stenographer were on leave. It is also mentioned in the said reply of Ms. Priti that on 22.11.2018, she made necessary corrections in the said order and handed over the final order to the Ld. PO and Ld. PO signed the said order and handed over the same to the Reader of the Court and Reader informed her about it on 24.11.2018

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- as 23.11.2018 was holiday and hence, on 24.11.2018 itself, she sent the said order on internet.
- Thus, it is amply clear that the information as sought by the appellant from PIO West, THC, Delhi was already supplied to the appellant by the PIO West, THC, Delhi vide information dt. 16.01.2020 alongwith copies/annexures as mentioned above.
- 16. Therefore, in view of the above facts & circumstances, the requisite information as available with the PIO, West was supplied to the appellant within a prescribed time limit and as such, there is no merit in the present appeal and accordingly the present appeal deserves to be dismissed.
- 17. The Appeal stands dismissed and accordingly disposed of.
- 18. The second appeal against this appeal may be filed in accordance of Section 19 (3) to the CIC of SIC within 90 days from today.
- 19. A copy of this order be provided to the appellant and the Public Authority i.e. in this case the PIO West, THC, Delhi in terms of Section 19 (9) of the RTI Act, 2005.
- 20. Copy of this order be also supplied to the appellant or his counsel through e.mail or whatsapp.

21. RTI file be consigned to Record Room.

First Appellate Authority,

ASJ-05(West)/THC/D

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RTI Appeal No.04/20 Navinder Oberoi Vs. PIO West

29.09.2020

Present:

Sh. Vinod, Ld. Counsel for the appellant alongwith appellant

through VC.

None for the PIO West.

Matter is listed today for order on RTI Appeal.

Vide separate order, the present RTI Appeal is dismissed.

RTI Appeal file be consigned to record room.

ASJ-05(W)/FHC/Delhi

First Appellate Authority

29.09 2020

FIR No.390/17

PS: Anand Parbat

State Vs. Raju @ Raj Kumar

U/s 392/397/411 IPC

29.09.2020

Present:

Sh. M.A. Khan, Ld. Addl. PP for the State through VC.

Sh. Vivek Srivastava, Ld, counsel for the applicant/accused

through VC.

This application as filed on behalf of applicant/ accused for grant of interim bail, is listed today for consideration.

Reply to the above application already received on 25.09.2020 as filed by SI Amit, P.S. Anand Parbat.

Conduct report of applicant/accused, dated 28.09.2020 as issued by Superintendent, Centraj Jail No.4, Tihar, is also received today.

Ld. Counsel for the applicant/accused submits that the present case is covered under the HPC guidelines dated 07.04.2020.

I have also perused the file. In the instant case charge for the offence U/s 392/397/411 IPC have been framed against the accused.

In the reply dated 25.09.2020 of SI Amit, it is specifically mentioned that applicant/accused is not involved in any other case except the present case. Alongwith the reply, the previous involvement report of applicant/accused is also annexed and as per which also the applicant/accused is shown to be involved in the present case only.

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In the conduct report of applicant/accused, dated 28.09.2020 as issued by Superintendent, Central Jail No.4, Tihar, it is mentioned that applicant/accused Raj Kumar @ Raju S/o Jagdish is lodged in the said jail and he is in custody in this case from 07.11.2017 till date and further as per record, his conduct in jail is good.

Therefore, in view of the above report, the present case of the applicant/accused is covered under HPC guidelines dated 07.04.2020. Hence, the present application for interim bail deserves to be allowed.

Accordingly, the applicant/accused is admitted on interim bail for a period of 45 days, from the date of his release subject to furnishing personal bail bond in the sum of Rs.25,000/- to the satisfaction of concerned jail superintendent.

The applicant/accused shall not temper with the evidence in any manner and also shall not come into contact with any of the witnesses of the present case during the period of interim bail.

The applicant/accused shall surrender before the concerned jail superintendent on expiry of period of interim bail.

The copy of this order be sent to concerned jail superintendent.

Application u/s 439 Cr.P.C., is disposed of accordingly.

A8J-05(W)/THC/Delhi

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FIR No. 409/19

PS: Kirti Nagar

State Vs. Vijay Balmiki

U/s 307 IPC & Sec. 25/27/54/59 Arms Act

29.09.2020

Present:

Sh. M.A. Khan, Ld. Addl. PP for the State through VC.

Sh. Yogesh Kumar, Ld. counsel for the applicant/accused

through VC.

This application U/s 439 Cr.P.C., has been filed on behalf of applicant/ accused for grant of bail.

Ld. Counsel for the applicant/accused submits that this application is for grant of regular bail.

Reply to the above application has already been filed on record by ASI Sunil Kumar, P.S. Khyala alongwith previous involvement report of applicant/accused. As per the previous involvement report, the applicant/accused is involved in one another case apart from the present case.

Ld. Counsel for the applicant/accused submits that the applicant/accused is a government employee working in MCD. He further submits that applicant/accused has been falsely implicated in the present case and applicant/accused has not committed the alleged offence. He further submitted that the applicant/accused is having four minor children.

12L Counsel for the applicant/accused submits that the FIR in the present 29/09/200

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case was lodged after two days from the alleged incident as the incident is of 26.11.2019 and the FIR was registered on 28.11.2019.

Ld. Addl. PP for the State submits that the applicant/accused is already involved in one another case apart from the present case. He further submits that the matter is at the very initial stage and as yet the charge has not been framed in the instant case. He also submits that the offence alleged against the applicant/accused is very serious in nature. Ld. Addl. PP has opposed the bail application.

I have considered the above submission and perused the file.

The allegation against the applicant/accused are that on 26.11.2019 at about 9:00 P.M., when complainant was returning her home from the market after buying milk and other household articles and reached at the park near her house, then she had seen the applicant/accused standing there. It is also alleged by the complainant that the applicant/accused was having extra marital relationship with wife of her son. The complainant specifically alleged that on the day of incident applicant /accused stabbed her in her abdomen with a knife with the intention to kill and her thereafter fled away from there.

The perusal of MLC shows that the injury sustained by the injured/complainant was opined as 'dangerous in nature'.

In the instant matter, as yet charge has not been framed and matter is at a very initial stage. Moreover, the applicant/accused is involved in another similar nature of offence i.e. U/s 307 IPC and Sec.25.27 Arms Act, in FIR No.267/18 P.S. Khyala.

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Thus, keeping in view of the gravity of offence as well as nature of injury as sustained by the complainant/injured and also considering all the above facts & circumstances, no ground is made out for grant of regular bail at this stage. Accordingly, the present application deserves to be dismissed and same is dismissed.

Application U/s 439 Cr.P.C., is accordingly disposed of.

Lal Singh)

ASJ-05(W)/THC/Delh

FIR No.381/16 PS: Anand Parbat State Vs. Rajesh U/s 396/34 IPC

29.09.2020

Present: Sh. M.A. Khan, Ld. Addl. PP for the State through VC.

Sh.R.R. Jha, Ld. Legal Aid counsel for the applicant/accused

through VC.

This application U/s 439 Cr.P.C., has been filed on behalf of applicant/ accused for grant of regular bail.

Though the reply has already been received in this case.

However, previous involvement report of applicant/accused has not been filed as yet.

Issue notice to IO/SHO concerned to file report regarding previous involvement of applicant/accused as well as the present status of previous cases of the applicant/accused, returnable for 17.10.2020.

Put up on 17.10.2020 for consideration.

A8J-05(W)FHC/Delhi

FIR No.211/11 PS: Moti Nagar State Vs. Asif

U/s 392/397/411/34 IPC & Sec. 25/27 Arms Act

29.09.2020

Present:

Sh. M.A. Khan, Ld. Addl. PP for the State through VC.

Sh. F.C. Giri, Ld. Legal Aid Counsel for the applicant/

accused through VC.

This application U/s 439 Cr.P.C., as filed on behalf of applicant/ accused for grant of regular bail, is listed today for consideration.

Argument partly heard.

Put up on 08.10.2020 for consideration.

(Lal Singh)

ASJ-05(W)/THC/Delhi

Case No.709/19 FIR No. 581/19 PS: Nangloi State Vs. Kamla U/s 498A/304B/34 IPC

29.09.2020

Present:

Sh. M.A. Khan, Ld. Addl. PP for the State through VC.

Sh. Ajay Goel, Ld. counsel for the applicant/accused through

VC.

This application U/s 439 Cr.P.C., has been filed on behalf of applicant/ accused for grant of bail.

Though, the reply dated 21.09.2020 as filed by SI Sunil, P.S. Nangloi, is on record. However, there is no mention in the reply as to when the present applicant/ accused was arrested.

Therefore, in view of the above, issue notice to IO/SHO concerned to file detailed reply to the above application, returnable for 06.10.2020.

Issue notice to IO of the case to appear in person on the next date of hearing.

Put up on 06.10.2020 for consideration.

(Lal/\$ingh) ASJ-05(W)/THC/Delhi

Case No.709/19 FIR No. 581/19 PS: Nangloi State Vs. Seema U/s 498A/304B IPC

29.09.2020

Present:

Sh. M.A. Khan, Ld. Addl. PP for the State through VC.

Sh. Ajay Goel, Ld. counsel for the applicant/accused through

VC.

This application U/s 439 Cr.P.C., has been filed on behalf of applicant/ accused for grant of bail.

Though, the reply dated 21.09.2020 as filed by SI Sunil, P.S. Nangloi, is on record. However, there is no mention in the reply as to when the present applicant/ accused was arrested.

Therefore, in view of the above, issue notice to IO/SHO concerned to file detailed reply to the above application, returnable for 06.10.2020.

Issue notice to IO of the case to appear in person on the next date of hearing.

Put up on 06.10.2020 for consideration.

/ (Lat Singh) ASJ-05(W)/THC/Delhi \_\_\_\_29.09.2020

FIR No.114/19

PS: Punjabi Bagh

State Vs. Jitender @ Jeetu

U/s 392/397/365/34 IPC

29.09.2020

Present:

Sh. M.A. Khan, Ld. Addl. PP for the State through VC.

Sh.Girish Bhardwaj, Ld. counsel for the applicant/accused

through VC.

This application has been filed on behalf of applicant/accused for disposal of application bearing IA No.02/20 as already stated to have filed on behalf of the applicant/accused.

On 21.09.2020, this court has directed to put up the IA No.02/2020, alongwith main case file for today.

However, Ahlmad has reported that he could not traced the file of IA No.02/2020 and he is seeking some more time to trace the said application.

In view of the above, Ahlmad is directed to trace the file bearing IA No.02/2020, on or before 06.10.2020.

Put up on 06.10.2020, alongwith IA No.02/2020, and main

case file, for consideration.

ASJ-05(W)/THC/Delki

FIR No. 554/17

PS: Ranhola

State Vs. Amit @ Rajneesh

U/s 452/307/354D/323/506/34 IPC & Sec. 25 Arms Act

29.09.2020

Present: Sh. M.A. Khan, Ld. Addl. PP for the State through VC.

Sh.Rajesh Bhatt, Ld, counsel for the applicant/accused

through VC.

This application U/s 439 Cr.P.C., has been filed on behalf of applicant/ accused for grant of bail.

Previous involvement report qua applicant/accused is received, however, reply has not been filed.

Perusal of file shows that one regular bail application of applicant/accused is already pending adjudication.

Ld. Counsel for the applicant/accused seeks adjournment.

Put up on 08.10.2020 for consideration on above application.

\SJ-05(W/THC/Delhi

29.09 2020

FIR No.446/18

PS: Punjabi Bagh

State Vs. Ashwani @ Ashu

U/s 392/394/397/411/34 IPC

29.09.2020

Present:

Sh. M.A. Khan, Ld. Addl. PP for the State through VC.

Sh.R.R. Jha, Ld. Legal Aid counsel for the applicant/accused

through VC.

This application has been filed on behalf of applicant/accused for grant of interim bail.

This application has been filed on behalf of the applicant/accused from jail through jail visiting counsel.

Sh. R.R. Jha, submits that he is Legal Aid Counsel in this case.

Reply to the above application has been received on behalf of ASI Ghanshyam Singh, P.S. Punjab Bagh, alongwith previous involvement report of applicant/accused.

Ld. Counsel for the applicant/accused submits that the present application for interim bail has been filed on the ground that there is on one to look after the old age ailing mother of the applicant/accused who is suffering from Asthma. Ld. Counsel for the applicant/accused submits that the brother and wife of the applicant/accused are not residing with his mother and there is no earning male member in his family to look

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after the applicant's old age mother.

Ld. Addl. PP has opposed the interim bail application on the ground that the applicant/accused is involved in multiple cases.

Perusal of previous involvement report shows that the applicant/accused is involved in multiple cases as he is shown to be involved in about 31 cases.

Moreover, no medical certificate etc., of the mother of the applicant/accused is annexed alongwith the application so as to show her ailment. Otherwise also, even if it is presumed that the mother of the applicant/accused is suffering from Asthma or old age related ailment, then the brother of the applicant/accused may take care of the ailing mother of the applicant/accused.

Thus, in view of the above facts & circumstances as well as considering the previous involvement of applicant/accused in multiple cases, the present application for interim bail deserves to be dismissed and accordingly, same is dismissed.

The application u/s 439 Cr.P.C., is accordingly disposed of.

29.09|2020

Case No.56033/16 FIR No.298/13

PS: Paschim Vihar East

State Vs. Randhir Mishra & Anr.

Matter is taken up today in terms of order bearing No.26/DHC/2020 dated 30.07.2020 and order bearing No.322/RG/DHC/ 2020 dated 15.08.2020 of the Hon'ble High Court of Delhi and order bearing No.545/13726-13784/Misc/Gaz.DJ West/Delhi/2020 dated 31.08.2020 of the Ld. District & Sessions Judge, West, THC, Delhi.

29.09.2020

Present:

Sh. M.A. Khan, Ld. Addl. PP for the State through VC.

None for the accused.

Matter is at the stage of P.E.

Perusal of file shows that before lock-down accused was in JC.

Vide order bearing no. 26/DHC/2020 dt. 30.07.2020, Hon'ble High Court of Delhi, directed that evidence shall be recorded only in ex-parte and uncontested matters, where the same is required to be tendered by way of affidavit.

In view of above, matter is adjourned for 09.12.2020.

Put up on 09.12.2020 for P.E.

(Lal Singh)

ASJ-05(W//THC/Delhi

29.09/2020

Case No.575/18

FIR No. 285/18

PS: Mundka

State Vs. Suraj Bhan

29.09,2020

Present:

Sh. M.A. Khan, Ld. Addl. PP for the State through VC.

Sh. R.P. Sarwan, Ld. Legal Aid Counsel for the accused alongwith

Ms. Anita, surety of accused.

Matter is listed today for furnishing bail bond U/s 437-A Cr.P.C.

Vide judgment dated 26.09.2020, the accused Suraj Bhan was acquitted in the present case for the offence punishable U/s 392/397/506 IPC and Section 25 Arms Act.

Further, vide judgment dated 26.09.2020, the accused was directed to furnish bail bond in terms of 437A Cr.P.C., for a sum of Rs.10,000/- with one surety in the like amount.

On 26.09.2020, the surety of accused was not present, therefore, at the request of Ld. Legal Aid Counsel for accused, matter was adjourned for 28.09.2020 for furnishing bail bond u/s 437A Cr.P.C. Thereafter, on 28.09.2020 also Ld. Legal Aid Counsel for the accused submitted that surety is not available and requested to adjourn the matter for 29.09.2020 for furnishing bail bond in terms of Section 437A Cr.P.C.

At this stage, Ld. Legal Aid counsel for accused has furnished the bail bond in terms of Section 437A Cr.P.C.,

Alongwith the bail bond in terms of 437A Cr.P.C., original FDR/deposit receipt bearing receipt No.192486 dated 28.09.2020 drawn from Andhra Bank, Bahadurgarh Branch, in the name of Ms. Anita for a sum of

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Rs. 10,000/-, furnished.

In view of the above, bail bond u/s 437A Cr.P.C., is accepted and same shall remain valid for a period of six months. The original FDR/deposit receipt bearing receipt No.192486 dated 28.09.2020 drawn from Andhra Bank, Bahadurgarh Branch, in the name of surety Ms.Anita be taken on record.

The copy of judgment dated 26.09.2020 be supplied to Ld. Legal Aid Counsel for the accused free of cost.

Accused be released forth with if not required in any other case.

Release warrant be issued accordingly.

At this stage, Ld. Legal Aid counsel furnished the personal bond of accused Suraj Bhan, same be sent alongwith the release warrant.

Copy of this order as well as copy of order dated 26.09.2020 be sent to concerned jail superintendent for compliance and compliance report be filed.

File be consigned to record room.

SJ-05(W)/THC/Delhi