

Criminal Appeal: 127/2019
Vimar Kumar Taheem v. State

28.07.2020

File taken up today in terms of order No. Endst. No. 1734-66/DHC/2020 dated 27.06.2020 r/w other order passed from time to time as this case is pending at the stage of final arguments.

It is stated by Reader of this court that when he contacted Sh. Vimar Kumar Taheem, Appellant (Mobile no. 9810388344) over phone for the purpose of hearing through VC, he submitted that his counsel is out of Delhi & will not be able to argue today and requested for a shortest date. When reader contacted Sh. O.P. Bharti Goswami (mobile no. 9818066076), Ld. counsel for respondent, he submitted that he is out of station, hence would not be able to argue and requested for a shortest date.

As such, matter could not be proceeded further on merit through VC .

Parties are directed to download Webex and get familiar with the same by NDOH so that hearing can be held through Webex/electronic mode.

Put up for purpose fixed/arguments in terms of previous orders for 28.09.2020.

NAVEEN KUMAR
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Date: 2020.07.28 12:07:57
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(Naveen Kumar Kashyap)
ASJ-04/Central/28.07.2020

**Criminal Appeal: 360/2018
VCI Hospitality v. Income Tax Office**

28.07.2020

File taken up today in terms of order No. Endst. No. 1734-66/DHC/2020 dated 27.06.2020 r/w other order passed from time to time as this case is pending at the stage of final arguments.

It is stated by Reader of this court that when he contacted Ld. counsel Sh. Vikas Sharma (9990008499) for Appellant no.1 and 2 over phone for the purpose of hearing through VC, submitted that file is not with him , hence would not be able to argue today.

When reader contacted Sh. Manmeet Singh (9811182601), Ld. counsel for respondent, he submitted that he will argue after the arguments of appellant is over and requested for shortest date.

As such, matter could not be proceeded further on merit through VC .

Parties are directed to download Webex and get familiar with the same by NDOH so that hearing can be held through Webex/electronic mode.

**Put up for purpose fixed/arguments in terms of
previous orders for 28.09.2020.**

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Date: 2020.07.28 12:10:08 +05'30'

**(Naveen Kumar Kashyap)
ASJ-04/Central/28.07.2020**

**Criminal Appeal: 361/2018
VCI Hospitality v. Income Tax Office**

28.07.2020

File taken up today in terms of order No. Endst. No. 1734-66/DHC/2020 dated 27.06.2020 r/w other order passed from time to time as this case is pending at the stage of final arguments.

It is stated by Reader of this court that when he contacted Ld. counsel Sh. Vikas Sharma (9990008499) for Appellant no.1 and 2 over phone for the purpose of hearing through VC, submitted that file is not with him , hence would not be able to argue today.

When reader contacted Sh. Manmeet Singh (9811182601), Ld. counsel for respondent, he submitted that he will argue after the arguments of appellant is over and requested for shortest date.

As such, matter could not be proceeded further on merit through VC .

Parties are directed to download Webex and get familiar with the same by NDOH so that hearing can be held through Webex/electronic mode.

Put up for purpose fixed/arguments in terms of previous orders for 28.09.2020.

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Date: 2020.07.28 12:10:54 +05'30'
(Naveen Kumar Kashyap)
ASJ-04/Central/28.07.2020

**Criminal Revision: 690/2019
Awani Deo v. State**

28.07.2020

File taken up today in terms of order No. Endst. No. 1734-66/DHC/2020 dated 27.06.2020 r/w other order passed from time to time as this case is pending at the stage of final arguments.

It is stated by Reader of this court that when he contacted Ld. counsel Sh. S.Bharti (mobile no.9899257184) for all revisionists over phone for the purpose of hearing through VC, submitted that file is not with him and requested for shortest date.

As such, matter could not be proceeded further on merit through VC .

Parties are directed to download Webex and get familiar with the same by NDOH so that hearing can be held through Webex/electronic mode.

Put up for purpose fixed/arguments in terms of previous orders for 28.09.2020.

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**(Naveen Kumar Kashyap)
ASJ-04/Central/28.07.2020**

SC No.: 27481/2016
FIR No.: 386/2014
PS: Pahar Ganj
State v. Pawan Sharma

28.07.2020

File taken up today in terms of order No. Endst. No. 1734-66/DHC/2020 dated 27.06.2020 r/w other order passed from time to time as this case is pending at the stage of final arguments.

It is stated by Reader of this court that when he contacted Ld. counsel Sh. Diwakar Choudhary (Mobile no. 9873737212) for accused over phone for the purpose of hearing through VC, submitted that he is no more advocate for the accused in the present case. Further, no detail of any other advocate for accused is available on record.

As such, matter could not be proceeded further on merit through VC .

Put up for purpose fixed/arguments in terms of previous orders for 28.09.2020.

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(Naveen Kumar Kashyap)
ASJ-04/Central/28.07.2020

: 1 :

Misc Application

FIR No.:19/2019
PS: Timar Pur
State v Mohit
U/S: 323, 341, 308, 34 IPC

28.07.2020

Present: Sh. Pawan Kumar, Ld. Addl. PP for the state through VC.
Sh. Alamine, Ld. Counsel for applicant/accused through VC.

Vide this order application for surrender of accused Mohit is disposed of.

It is stated that such accused is falsely implicated in the present case. That he wants to surrender. That his anticipatory bail application was dismissed by this court. It is further stated that IO be given direction to take necessary steps regarding treatment of accused about Covid-19 infection.

I have heard both the sides and gone through the record including the order earlier passed on this application.

Because of such apprehension that accused might be suffering from corona infection earlier the present application was kept pending for further appropriate order so far. But, despite so, so far there is no report on record to show that such accused is in fact tested positive for corona virus. Further accused himself wants to surrender and moved application in this regard. As such, he is at liberty to surrender before Ilaka Magistrate as per law. Further, IO is also directed to take appropriate step as per law having regard to the fact

: 2 :

that such accused was declared PO in this case.

Needless to say that all the directions / protocol relating to handling of accused suspected of infected with corona virus would be taken by all concerned. With these observation present application is disposed off.

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(Naveen Kumar Kashyap)
ASJ-04/Central/28.07.2020

: 1 :

Bail Application

FIR No.:524/2014

PS:Burari

State v Vikas Kaushik @ Sunny

U/S: 364, 302, 201, 120B, 34 IPC & 25, 24, 54, 59 Amrs Act

28.07.2020

Present: Mr. Pawan Kumar, Ld. Addl. PP for the state through VC.

Mr. Mukesh Kumar Sharma, Ld. Counsel for applicant/ accused through VC.

It is stated by the counsel for the applicant that there are further development and IO has now arrested the accused in the present case.

Heard .

As such put up for further reply from the IO in this regard. **As such, issue fresh notice to IO for the next date of hearing.**

Put up for reply, arguments and appropriate order for **06/08/2020**.

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(Naveen Kumar Kashyap)
ASJ-04/Central/28.07.2020

BAIL APPLICATION

**FIR No. : 20/2015
PS: Kamla Market
STATE v. Adil Shahzada
U/S: 302, 396, 412, 34 IPC**

28.07.2020.

Present: Mr. Pawan Kumar, Ld. Addl. PP for the State through VC.
Mr. Asghar Khan, Ld. Counsel for applicant through VC.

1. Vide this order, application dated 22/07/2020 filed by accused through counsel for extension of interim bail is disposed off.

2. It is stated, inter-alia, that earlier accused was granted interim bail vide order dated 10/06/2020 for 45 days by this court.

Now, it is prayed that there is another order dated 13.07.2020 passed by Hon'ble High Court and in view of the same, interim bail of the accused be extended further.

3. Arguments heard from both the sides and I have gone through the record including interim bail order dated 10.06.2020.

4. At this stage it may be noted that Full bench of Hon'ble High Court of Delhi in its order dated 13/07/2020 in W.P. (C) 3037/2020 titled as "Court on its own motion v. Govt. of NCT of Delhi & Anr. Held as under :

".....5. In view of the above, we hereby further extend the implementation of the directions contained in our order dated 25th March, 2020 and 15th May, 2020 and 15th June, 2020, till 31st August, 2020 with the same terms and conditions.

6. The Hon'ble Single Bench of this Court in Crl.A.193/2020 titled as Harpreet Singh vs. State vide order dated 1st July, 2020 sought clarification to the following effect:

"7. The queries that the Hon'ble Full Bench may

**FIR No. : 20/2015
PS: Kamla Market
STATE v. Adil Shahzada
U/S: 302, 396, 412, 34 IPC**

consider and decide for the guidance of all concerned are as follows:

a. Whether the orders made by the Hon'ble Full Bench in W.P. (C) No.3037/2020, **including last order dated 15.06.2020**, apply to all interim orders, whether made in civil or criminal matters, and regardless of whether such orders were made on or before 16.03.2020 or thereafter?

b. Where interim bail or interim suspension of sentence has been granted by a Bench of this court exercising discretion and based upon specific facts and circumstances of a given case, would such orders also stand automatically extended by operation of orders made by the Full Bench in W.P.(C) No.3037/2020?

8. While deciding the issue, the Hon'ble Full Bench may consider the aspect of parity, namely that, on a plain reading of the orders in W.P.(C) No.3037/2020, interim orders granted on or before 16.03.2020 appear to be getting extended by general directions; but those made after 16.03.2020 appear not to be covered thereby."

7. In this regard, we make it clear that all the directions issued from time to time in this case are based on the ongoing pandemic situation in Delhi. So far as the criminal matters are concerned, these directions have been issued keeping in view the fact that the jail authorities have limited space to keep the inmates and in case of spread of Covid-19 pandemic in the jail, it would not be in a position to maintain physical distancing amongst jail inmates. Looking to this aspect and the possible threat of spreading of viral infection by those persons who are on interim bail/bail/parole granted by this Court **or the Courts subordinate to this Court**, to other inmates of the jail on their return to the jail, the decision of extension of interim bail/bail/parole has been taken from time to time. ***It is clarified that this order of extension of bail/interim bail/parole shall be applicable to all undertrials/convicts, who are on bail/interim bail or parole as on date irrespective of the fact that they were released on bail/interim bail or parole before or after 16th March, 2020.***

9. List this matter on 24th August, 2020 for further

directions.”.

5. In view of such order and clarification dated 13.07.2020 by Hon'ble High Court, there is no need to pass any specific order in the present application. Same is disposed off accordingly.

6. Both side are at liberty to collect the order through electronic mode. **A copy of this order be sent to Jail Superintendent concerned. Further a copy of this order be given to IO.**

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(Naveen Kumar Kashyap)
ASJ-04/Central/THC
28.07.2020

BAIL APPLICATION

State v. Mohd. Nazim
FIR No.: 134/2015
PS: Lahori Gat
U/S: 394,395,397,120B,412,120B IPC &
25,27 Arms Act

28.07.2020

Present: Sh. Pawan Kumar, Ld. Addl. PP for the state through VC.
Sh. S.N. Shukla(mobile no.8588853448), Ld.
Counsel for accused through VC.

Reply filed by IO to the present interim bail application. But further time sought to verify and file report on the medical document of the wife of the accused.

As such, put up on 31.07.2020 for further reply, arguments and appropriate orders.

Issue fresh notice to IO accordingly.

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(Naveen Kumar Kashyap)
ASJ-04/Central/28.07.2020

BAIL APPLICATION

FIR No. : 221/2016

PS: Civil Lines

STATE v. Nadeem @ Furqan s/o Late Shabuddin

U/S: 392, 397, 411, 34 IPC

28.07.2020.

Present: Mr. Pawan Kumar, Ld. Addl. PP for the State through VC.
Mr. Fakruddin, Ld. Counsel for applicant through VC.

1. Vide this order, application dated 22/07/2020 filed by accused through counsel for extension of interim bail is disposed off.

2. It is stated, inter-alia, that earlier accused was granted interim bail vide order dated 09/06/2020 for 45 days by this court under the criteria of Hon'ble High Court.

Now, it is prayed that there is another order dated 22/06/2020 and 13.07.2020 passed by Hon'ble High Court and in view of the same, interim bail of the accused be extended further.

3. Arguments heard from both the sides and I have gone through the record including interim bail order dated 09.06.2020.

4. At this stage it may be noted that Full bench of Hon'ble High Court of Delhi in its order dated 13/07/2020 in W.P. (C) 3037/2020 titled as "Court on its own motion v. Govt. of NCT of Delhi & Anr. Held as under :

".....5. In view of the above, we hereby further extend the implementation of the directions contained in our order dated 25th March, 2020 and 15th May, 2020 and 15th June, 2020, till 31st August, 2020 with the same terms and conditions.

6. The Hon'ble Single Bench of this Court in Crl.A.193/2020 titled as Harpreet Singh vs. State vide order dated 1st July, 2020 sought clarification to the following effect:

FIR No. : 221/2016

PS: Civil Lines

STATE v. Nadeem @ Furqan s/o Late Shabuddin

U/S: 392, 397, 411, 34 IPC

“7. The queries that the Hon'ble Full Bench may consider and decide for the guidance of all concerned are as follows:

a. Whether the orders made by the Hon'ble Full Bench in W.P. (C) No.3037/2020, **including last order dated 15.06.2020**, apply to all interim orders, whether made in civil or criminal matters, and regardless of whether such orders were made on or before 16.03.2020 or thereafter?

b. Where interim bail or interim suspension of sentence has been granted by a Bench of this court exercising discretion and based upon specific facts and circumstances of a given case, would such orders also stand automatically extended by operation of orders made by the Full Bench in W.P.(C) No.3037/2020?

8. While deciding the issue, the Hon'ble Full Bench may consider the aspect of parity, namely that, on a plain reading of the orders in W.P.(C) No.3037/2020, interim orders granted on or before 16.03.2020 appear to be getting extended by general directions; but those made after 16.03.2020 appear not to be covered thereby.”


7. In this regard, we make it clear that all the directions issued from time to time in this case are based on the ongoing pandemic situation in Delhi. So far as the criminal matters are concerned, these directions have been issued keeping in view the fact that the jail authorities have limited space to keep the inmates and in case of spread of Covid-19 pandemic in the jail, it would not be in a position to maintain physical distancing amongst jail inmates. Looking to this aspect and the possible threat of spreading of viral infection by those persons who are on interim bail/bail/parole granted by this Court **or the Courts subordinate to this Court**, to other inmates of the jail on their return to the jail, the decision of extension of interim bail/bail/parole has been taken from time to time. ***It is clarified that this order of extension of bail/interim bail/parole shall be applicable to all undertrials/convicts, who are on bail/interim bail or parole as on date irrespective of the fact that they were released on bail/interim bail or parole before or after 16th March, 2020.***

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9. List this matter on 24th August, 2020 for further directions.”.

5. In view of such order and clarification dated 13.07.2020 by Hon'ble High Court, there is no need to pass any specific order in the present application. Same is disposed off accordingly.

6. Both sides are at liberty to collect the order through electronic mode. **A copy of this order be sent to Jail Superintendent concerned. Further a copy of this order be given to IO through electronic mode.**

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(Naveen Kumar Kashyap)
ASJ-04/Central/THC
28.07.2020

State v. Rahul Sharma
FIR No.: 399/2016
PS: Darya Ganj
U/S: 395,397,120B,412,201 IPC &
25,27 Arms Act

28.07.2020

Present: Sh. Pawan Kumar, Ld. Addl. PP for the state through
VC.
Sh. Akhilesh Kamle(mobile no. 8275418186), Ld.
Counsel for accused through VC.
This mater is treated and taken on urgent basis.

Part order dictated.

Put up for further dictation/clarification if any, order on
the application under consideration for alteration of charge on
29.07.2020.

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(Naveen Kumar Kashyap)
ASJ-04/Central/28.07.2020

**State v. Taufiq@ Kala
(Bail of Sunny)
FIR No.: 20/2016
PS: Crime Branch
U/S: 364A,395,342,420,468,471,120B IPC**

28.07.2020

Present: Sh. Pawan Kumar, Ld. Addl. PP for the state through VC.
Sh. ACP Gautam(mobile no.9911329290), Ld. Counsel for accused Sunny through VC.

Put up for reply, arguments and appropriate orders on 31.07.2020.

Issue notice to IO accordingly.

Further, report be called from Jail Superintendent including regarding the conduct of the present accused.

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**(Naveen Kumar Kashyap)
ASJ-04/Central/28.07.2020**

BAIL APPLICATION
State v. Vinay @ Monty
FIR No.: 799/2014
PS: Darya Ganj
U/S: 302,404,201 IPC

28.07.2020

Present: Sh. Pawan Kumar, Ld. Addl. PP for the state through VC.
Sh. Prashant Yadav (mobile no. 9999981708), Ld. Counsel for accused through VC.

Time sought by IO. Heard. Allowed.

IO to file further report in terms of previous order. In these circumstances, interim bail of accused is extended till next date of hearing.

Put up for further appropriate orders on 31.07.2020.

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(Naveen Kumar Kashyap)
ASJ-04/Central/28.07.2020