

Mohd Mushtak vs State And Anr on 29 March, 2023

Author: Amit Sharma

Bench: Amit Sharma

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IN THE HIGH COURT OF DELHI AT NEW DELHI
BAIL APPLN. 3315/2022
MOHD MUSHTAK

Through:

.....
Mr. Shahid Azad, Ms. Sh
Ms. Nidhi and Ms. Shail
Advocates.

versus

STATE AND ANR.

Through:

.....
Mr. Aman Usman, APP for
SI Amit Tyagi, PS Nabi
Ms. Astha, DHCLSC, Advo
R-2.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA
ORDER

% 29.03.2023

1. The present application under Section 439 of the Cr.P.C. seeks grant of regular bail in FIR No. 102/2020, under Section 376 of the IPC and Section 6 of the POCSO Act, registered at P.S. Nabi Karim, Delhi.
2. Learned counsel appearing on behalf of the applicant has handed over a nikahnama to the Investigating Officer. Let the same be verified before the next date of hearing.
3. Learned counsel for the applicant submits that the applicant has surrendered after the expiry of 30 days in terms of the interim orders granted by this Court on 09.02.2023.
4. In view of the aforesaid circumstances, the present applicant is released on interim bail till the next date of hearing, on his furnishing a personal bond in the sum of Rs. 50,000/- with one surety of the like amount to the satisfaction of learned trial Court/link Court, with the following conditions:-
 - i. The applicant shall not leave the country without prior permission of the learned trial Court.
 - ii. The applicant shall intimate the learned trial Court by way of an affidavit and to the Investigating Officer regarding any change in residential address.

iii. The applicant shall appear before the learned trial Court as and when the matter is taken up for hearing iv. The applicant shall provide his mobile number to the Investigating Officer and intimate about any change.

5. Order be uploaded on the website of this court forthwith.

6. Needless to state, nothing mentioned hereinabove is an opinion on the merits of the case.

7. Copy of this order be sent to the concerned Jail Superintendent for necessary information and compliance.

8. Re-notify on 07.08.2023.

AMIT SHARMA, J MARCH 29, 2023/sn \$~2 * IN THE HIGH COURT OF DELHI AT NEW DELHI + BAIL APPLN. 304/2019 & CRL.M.(BAIL) 230/2019 SIDDHARTH CHATURVEDI Petitioner Through: Mr. Gaurav Gupta and Mr. Jaspal Singh, Advocates.

versus STATE OF NCT OF DELHI & ANR Respondents Through: Mr. Aman Usman, APP for the State.

SI Praveen, PS Tilak Nagar.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA ORDER % 29.03.2023

1. Learned counsel appearing on behalf of the applicant submits that in pursuance of the order dated 10.02.2023, the applicant has given his specimen under Section 311A of the Cr.P.C., before the concerned learned trial Court. The said position is not disputed by the Investigating Office, present in Court today.

2. Learned APP for the State seeks time to place brief written synopsis of submissions, running into not more than 5 pages, on record, after providing an advance copy to learned counsel appearing on behalf of the applicant. Let the same be done before the next date of hearing.

3. List on 22.05.2023.

4. Interim orders to continue till the next date of hearing.

5. Investigating Officer is directed to remain present in Court on the next date of hearing.

AMIT SHARMA, J MARCH 29, 2023/sn \$~43 * IN THE HIGH COURT OF DELHI AT NEW DELHI
ABHAY KUMAR Petitioner Through: Mr. Ankit Tandan & Ms. Hernisha Tandan, Advocates,
alongwith father of petitioner.

versus THE STATE, NCT OF DELHI Respondent Through: Ms. Manjeet Arya, APP for the State
with ASI Vinod Kumar, P.S. Vivek Vihar.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA ORDER % 29.03.2023 CRL.M.A.
8431/2023 Exemption

1. Exemption allowed, subject to just exceptions.
2. The application is disposed of accordingly.
3. The present application under Section 438 of the Cr.P.C. seeks anticipatory bail in case FIR No. 29/2023, under Sections 308/34 of the IPC, registered at P.S. Vivek Vihar.
4. Learned counsel appearing on behalf of the applicant submits that the injured was discharged from the hospital on 19.01.2023, i.e., the date of the incident. It is further submitted that the present FIR was registered on the statement given by the injured on the next date of the incident. It is further submitted that the present applicant is ready and willing to join the investigation and has been doing so, as and when directed by the Investigating Officer.
5. Learned APP for the State, on instructions from the Investigating Officer, does not dispute the aforesaid facts.
6. Issue notice.
7. Learned APP for the State accepts notice and seeks time to file a status report. Let the same be filed before the next date of hearing.
8. List on 19.05.2023.
9. In the meantime, on the applicant joining the investigation as and when called by the Investigating Officer, no coercive steps shall be taken against the applicant till the next date of hearing.
10. Order be uploaded on the website of this Court forthwith.

AMIT SHARMA, J MARCH 29, 2023/bsr \$~47 * IN THE HIGH COURT OF DELHI AT NEW DELHI + CRL.A. 285/2023 & CRL.M.(BAIL) 458/2023 RAKESH KUMAR GIROTRA Appellant Through: Dr. Sushil Kumar Gupta & Mr. Sakshit Bhardwaj, Adocates.

Versus CENTRAL BUREAU OF INVESTIGATION Respondent Through: Mr. Ravi Sharma, SPP CBI with Mr. Anjani Kumar Rai, Ms. Madhuika Rai Sharma, Advocates.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA ORDER % 29.03.2023 CRL.M.A. 8521/2023 (Exemption)

1. Exemption allowed, subject to just exceptions.

2. The application is disposed of accordingly.

3. The present appeal under Section 374/382 of the Cr.P.C challenges the judgement dated 22.02.2023, and order of sentence dated 02.03.2023, passed by Sh. Anil Antil, learned Special Judge, CBI, Rouse Avenue Courts, New Delhi in CBI case No. 194/2019, RC No. 16(S)/2006/SCR-I/CBI/New Delhi.

4. The present appellant has been sentenced to undergo rigorous imprisonment for 02 years alongwith fine of Rs. 50,000/-, under Section 120B read with Sections 420/468/471 of the IPC and in default of payment of fine, further simple imprisonment for 03 months. He is further sentenced to undergo rigorous imprisonment for 02 years alongwith fine of Rs.

50,000/- for substantive and distinct offence under Sections 420/468/471 of the IPC separately and in default of payment of fine further, simple imprisonment of 03 months for each distinct offence.

5. Admit.

6. Re-notify on 16.05.2023.

7. In the meantime, the Registry is directed to requisition the digitized copy of the trial Court record for the perusal of this Court, before the next date of hearing.

CRL.M.(BAIL) 458/2023

8. The present application under Section 389 of the Cr.P.C. seeks suspension of sentence and grant of bail during the pendency of the present appeal.

9. Issue notice.

10. Learned SPP for the CBI accepts notice and seeks time to file a status report. Let the same be done before the next date of hearing.

11. In the meantime, order dated 02.03.2023, passed by the learned Special Judge, is extended till the next date of hearing on the same terms and conditions.

12. Re-notify on 16.05.2023.

AMIT SHARMA, J MARCH 29, 2023/bsr \$~46 * IN THE HIGH COURT OF DELHI AT NEW DELHI + CRL.A. 284/2023 & CRL.M.(BAIL) 456/2023 PAWAN KUMAR SHARMA Appellant Through: Dr. Sushil Kumar Gupta & Mr. Sakshit Bhardwaj, Advocates.

versus CENTRAL BUREAU OF INVESTIGATION Respondent Through: Mr. Ravi Sharma, SPP CBI with Mr. Anjani Kumar Rai, Ms. Madhuika Rai Sharma, Advocates.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA ORDER % 29.03.2023 CRL.M.A. 8459/2023 (Exemption)

1. Exemption allowed, subject to just exceptions.

2. The application is disposed of accordingly.

3. The present appeal under Section 374/382 of the Cr.P.C challenges the judgement dated 22.02.2023, and order of sentence dated 02.03.2023, passed by Sh. Anil Antil, learned Special Judge, CBI, Rouse Avenue Courts, New Delhi in CBI case No. 194/2019, RC No. 16(S)/2006/SCR-I/CBI/New Delhi.

4. The present appellant has been sentenced to undergo rigorous imprisonment for 02 years alongwith fine of Rs. 50,000/-, under Section 120B read with Sections 420/468/471 of the IPC and in default of payment of fine, further simple imprisonment for 03 months. He is further sentenced to undergo rigorous imprisonment for 02 years alongwith fine of Rs.

50,000/- for substantive and distinct offence under Sections 420/468/471 of the IPC separately and in default of payment of fine, further simple imprisonment of 03 months for each distinct offence.

5. Admit.

6. Re-notify on 16.05.2023.

7. In the meantime, the Registry is directed to requisition the digitized copy of the trial Court record for the perusal of this Court, before the next date of hearing.

CRL.M.(BAIL) 456/2023

8. The present application under Section 389 of the Cr.P.C. seeks suspension of sentence and grant of bail during the pendency of the present appeal.

9. Issue notice.

10. Learned SPP for the CBI accepts notice and seeks time to file a status report. Let the same be done before the next date of hearing.

11. In the meantime, order dated 02.03.2023, passed by the learned Special Judge, is extended till the next date of hearing on the same terms and conditions.

12. Re-notify on 16.05.2023.

AMIT SHARMA, J MARCH 29, 2023/bsr \$~52 * IN THE HIGH COURT OF DELHI AT NEW DELHI + CRL.M.C. 2245/2023, CRL.M.A. 8486/2023 (Interim Relief) SANJAY JAIN Petitioner Through: Mr. Vijay Aggarwal, Mr. Hardik Sharma, Mr. Mukul Malik & Mr. Pankush Goyal, Advocates.

Versus

CVCIGP II CLIENT ROSEHILL LTD & ANR.

Through: None.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

29.03.2023

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CRL.M.A. 8487/2023 (Exemption)

1. Exemption allowed, subject to just exceptions.

2. The application is disposed of accordingly. CRL.M.C. 2245/2023, CRL.M.A. 8486/2023 (Interim Relief)

3. The present petition under Section 482 of the Cr.P.C. seeks the following prayers:

"A. Pass necessary orders and directions thereby modifying the Impugned Order dated 21.02.2023 passed by the court of Ld. Trial Court, Special MM (NI ACT), Rouse Avenue Court Complex, Delhi in matter titled as "CVCIGP II Client Rosehill Ltd. vs Surya Vinayak Industries Ltd. & Ors." bearing complaint case no. 20292/16, 20103/2016, 20126/2016, and matter titled "CVCIGP II Employee Rosehill Ltd. vs Surya Vinayak Industries Ltd. & Ors." bearing complaint case no. 20113/2016,

20097/2016 and 20307/2016 to the extent of the direction issued therein that in case the Petitioner fails to appear before the said Court on the next date of hearing, i.e. 05.04.2023 strict action against the Petitioner and thereby exempt his physical appearance before the Ld. Trial Court, and thereby permitting the Petitioner to appear through Virtual Conference Mode before the Ld. Trial Court.

AND B. Pass any other order or direction, which this Hon ble Court may deem fit and proper in light of the facts and circumstances of the case."

4. Learned counsel appearing on behalf of the petitioner submits that the latter had been granted exemption from personal appearance before the learned trial Court by reason of his medical condition. The same condition still persists, on account of which, it is not possible for the petitioner to appear before learned trial Court on 05.04.2023. It is submitted that statement of accused can be recorded in absence of the accused, through counsel as has been laid down in judicial precedents.

5. On the petitioner taking necessary steps, issue notice to the respondents no. 1 & 2 through all permissible modes, including electronic mail, if any, returnable on 18.05.2023.

6. In the meantime, the direction of the learned trial Court in order dated 21.02.2022, with regard to the appearance of the present petitioner before the learned trial Court on 05.04.2022, is kept in abeyance till the next date of hearing.

7. Order be uploaded on the website of this Court, forthwith.

AMIT SHARMA, J MARCH 29, 2023/bsr \$~53 * IN THE HIGH COURT OF DELHI AT NEW DELHI + CRL.M.C. 2246/2023 & CRL.M.A. 8488/2023 (Stay) JITENDER ANAND Petitioner Through: Mr. Saurabh Soni, Mr. Mannat Singh & Mr. Manav Bhalla & Mr. Sanjeet Thakur, Advocates.

Versus INDIAN RENEWABLE ENERGY DEVELOPMENT AGENDY LTD Respondent Through: Mr. Dhananjai Rana, Advocate. CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA ORDER % 29.03.2023 CRL.M.A. 8489/2023 (Exemption)

1. Exemption allowed, subject to just exceptions.

2. The application is disposed of accordingly. CRL.M.C. 2246/2023 & CRL.M.A. 8488/2023 (Stay)

3. The present petition under Section 482 of the Cr.P.C. seeks quashing of complaint case No. 30736/2016, under Section 138 of the Negotiable Instruments Act, titled „Indian Renewable Energy Development Agency Ltd. (IREDA) v/s M/S Naraingarh Sugar Mills Ltd. & Ors qua the petitioner.

4. Learned counsel appearing on behalf of the petitioner submits that the subject cheque bearing no. 028628, dated 31.03.2015, for Rs. 2,58,47,500/-

was issued with respect to the loan agreement dated 07.03.2013, entered into between the respondent and M/s Naraingarh Sugar Mills Ltd. and was part of the schedule thereto. It is pointed out that thereafter, an amended agreement dated 10.10.2014 was entered into between the respondent and the said company, wherein it has been categorically stated that the schedule in the aforesaid agreement dated 07.03.2013, is deleted and is substituted with a fresh schedule as annexed with the subsequent agreement dated 10.10.2014.

5. Issue notice.

6. Learned counsel appearing on behalf of the respondent accepts notice and seeks time to file a response to the present petition. Let the same be done before the next date of hearing, with an advance copy to the learned counsel appearing on behalf of the petitioner.

7. Re-notify on 29.05.2023.

8. In the meantime, the personal appearance of the present petitioner is exempted through counsel before the learned trial Court till the next date of hearing.

MARCH 29, 2023/bsr

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* IN THE HIGH COURT OF DELHI AT NEW DELHI
+ W.P.(CRL) 928/2023
AS

Through: Mr. Mohit Mathur, Sr.
Mr. Chayan Sarkar, Mr.
Prakash & Mr. Shailen
Advocates.

Versus

STATE OF NCT OF DELHI AND ORS.

Through: Ms. Rupali Bandhopadhyay
Mr. Akshay Kumar & Mr.
Kumar, Advocates.

SI Manzoor Alam, P.S. Cyber/SED. CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA ORDER % 29.03.2023

1. The present writ petition under Article 226 of the Constitution of India read with Section 482 of the Cr.P.C. seeks the following prayers:

"a. Issue an order in the nature of writ of any nature whereby ordering an enquiry against the said illegal acts of the Respondents and or; b. Issue an order in the nature of any writ by initiating an independent probe into the matter by a retired Justice of Hon ble Delhi High Court or by a retired Ld. District Judge; and or c. Pass an order of suspension qua the Respondent Nos. 2-3 and two other unidentified police personnel until the conclusion of such inquiry; and or.

d. Direct the Respondents to produce the phone locations of the erring Respondent Nos. 2-3 and two other unidentified police personnel for 06.10.2022; and or e. Pass an order directing the Respondents to produce all relevant documents pertaining to the case including the purported section 41A notices issued to the other accused persons; and or f. Pass an order directing the Respondents to produce the details of lengthy electronic surveillance, analysis of CD Rs conducted over the father of the Petitioner and as mentioned in their status report dated 27.02.2023; and g. Pass any other order as this Hon ble Court may deem fit and necessary in the facts and circumstances of the present case."

2. Learned Senior counsel appearing on behalf of the petitioner seeks leave to withdraw the present petition with liberty to initiate appropriate proceedings in accordance with law before the Court of competent jurisdiction.

3. Leave and liberty granted.

4. The present petition is dismissed as withdrawn and disposed of accordingly.

5. Pending application(s), if any, also stand disposed of.

MARCH 29, 2023/bsr

AMIT

\$~61 to 63

* IN THE HIGH COURT OF DELHI AT NEW DELHI

RAHUL

..... Petition

Through: Mr. J.P. Singh & Mr. Hirein Sharma, Advocates.

versus THE STATE NCT OF DELHI Respondent Through: Mr. Aman Usman, APP for the State with SI Rinku Bhakar, P.S. Bawana. Mr. Antriksh & Mr. Dhruv Kapoor, Advocate for complainant.

GURPREET @GAURAV @GULLU Petitioner Through: Mr. Durgesh Gupta, Advocate. versus STATE (NCT) OF DELHI Respondent Through: Mr. Aman Usman, APP for the State with SI Rinku Bhakar, P.S. Bawana. Mr. Antriksh & Mr. Dhruv Kapoor, Advocate for complainant.

MS POOJA Petitioner Through: Mr. Anil Sharma & Mr. Aman Bhardwaj, Advocates.

Versus STATE NCT OF DELHI Respondent Through: Mr. Aman Usman, APP for the State with SI Rinku Bhakar, P.S. Bawana. Mr. Antriksh & Mr. Dhruv Kapoor, Advocate for complainant.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA ORDER % 29.03.2023

1. Learned counsel appearing on behalf of the petitioners and complainant in person alongwith counsel submit that the present dispute be referred to Delhi High Court Mediation and Conciliation Centre for an amicable resolution of the same.
2. At request, the parties are referred to Delhi High Court Mediation and Conciliation Centre.
3. The parties are directed to appear on 05.04.2023 at 02:00 PM, before the Delhi High Court Mediation and Conciliation Centre. The Mediator shall assist the parties in arriving at an amicable resolution of the underlying disputes.
4. To await the report of the Mediator, list the matter on 03.05.2023, before Court.
5. In the meantime, no coercive steps shall be taken against the applicants till the next date of hearing.
6. It is however made clear that the present interim protection is granted to the applicants on the ground that they are genuinely interested in settling the matter.

7. Copy of this order be sent to the Member, Secretary, Delhi High Court Mediation and Conciliation Centre for necessary information and compliance.

AMIT SHARMA, J MARCH 29, 2023/bsr \$~39 * IN THE HIGH COURT OF DELHI AT NEW DELHI + BAIL APPLN. 1061/2022 & CRL.M.A. 20480/2022 (Direction) TRANDIPP SINGH
Petitioner Through: Mr. Girish Kumar Sharma, Ms. Sushma Sharma, Mr. Karan Verma, Mr. R. Sahil, Advocates.

	versus	
N.C.B.	Through:	Mr. Utsav Singh Bains, Yusuf Khan, Mr. Ashok K Advocates.
CORAM:		
HON'BLE MR. JUSTICE AMIT SHARMA	ORDER	
%	29.03.2023	

1. At request of learned counsel for the parties, re-notify on 16.05.2023.
2. In the meantime, let the latest nominal roll be requisitioned from the concerned Jail Superintendent before the next date of hearing.
3. Copy of the order be sent to the concerned Jail Superintendent, for necessary information and compliance.

AMIT SHARMA, J MARCH 29, 2023/ab \$~40 * IN THE HIGH COURT OF DELHI AT NEW DELHI + CRL.M.C. 3116/2021 & CRL.M.A. 19421/2021Stay MRS. RASHMI ANAND Petitioner Through: Mr. Deepak Kohli, Advocate versus SH. DILIP KUMAR Respondent Through: Mr. Vani Raj Tripathi, Advocate CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA ORDER % 29.03.2023

1. At request of learned counsel for the respondent on the ground that the main counsel, Mr. Gaurav Singh, who has argue in the present petition is unavailable today, the hearing of the same is adjourned.
2. List on 22.08.2023.
3. Interim order(s), if any, to continue till the next date of hearing.

AMIT SHARMA, J MARCH 29, 2023/ab \$~36 * IN THE HIGH COURT OF DELHI AT NEW DELHI + CRL.REV.P. 1096/2019 & CRL.M.A. 23984/2022Depositing the fine amount in instalments SATYAPAL Petitioner Through: Mr. Rajiv Mohan, Ms. Nitika Pancholi, Mr. Swapnil Tripathi, Advocate with petitioner in-person.

versus

CBI

Through:

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Mr. Anupam S. Sharma, SP
Mr. Prakash Airan, Ms. H

Kalsi, Mr. Ripudaman Sharma, Mr. Abhishek Batra, Advocates.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA ORDER % 29.03.2023

1. At request of learned counsel for the petitioners, re-notify on 05.07.2023.

AMIT SHARMA, J MARCH 29, 2023/ab \$~37 * IN THE HIGH COURT OF DELHI AT NEW DELHI + CRL.REV.P. 1105/2019 & CRL.M.A. 38739/2019 (Stay) MOHD. UMAR Petitioner Through: Counsel (appearance not given) versus STATE & ANR. Respondents Through: Mr. Hitesh Vali, APP for the State Ms. K. B Hina, Advocate for R-2.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA ORDER % 29.03.2023

1. At request of learned counsel for the parties, re-notify for final hearing on 16.08.2023.
2. Interim order(s), if any, to continue till the next date of hearing.

AMIT SHARMA, J MARCH 29, 2023/ab \$~38 * IN THE HIGH COURT OF DELHI AT NEW DELHI + W.P.(CRL) 562/2023 & CRL.M.A. 5126/2023 (Stay) RAJINDER SINGH CHADHA Petitioner Through: Mr. Giriraj Subramaniam, Mr. Simarpal Singh, Mr. Akhilesh Talluri, Mr. Siddhant Juyal, Ms. Urvashi Singh, Advocates.

versus UNION OF INDIA MINISTRY OF HOME AFFAIRS THROUGH ITS CHIEF SECRETARY & ANR. Respondents Through: Mr. Zoheb Hussain, Special Counsel with Mr. Vivek Gurnani, Advocate. CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA ORDER % 29.03.2023

1. Learned counsel for the respondents submits that an additional affidavit has been filed on behalf of the department. Let the advance copy of the same be supplied to the learned counsel for the petitioner.
2. The said additional affidavit is not on record. Let the same be placed on record and response, if any, be filed on behalf of the respondents, before the next date of hearing.

3. Re-notify on 29.05.2023.

4. Interim order(s), if any, to continue till the next date of hearing.

AMIT SHARMA, J MARCH 29, 2023/ab \$~10 * IN THE HIGH COURT OF DELHI AT NEW DELHI
DAVID COLLIN ALIAS MADHUBUCHI OKORO Petitioner Through: Mr. Amit Dwivedi, Mr.
Adarsh Priyadarshi, Mr. Gaurav Arya, Mr. Sachin Tanwar, Advocates.

versus

NARCOTICS CONTROL BUREAU

Through: None

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CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

29.03.2023

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1. None appears on behalf of the respondent despite second call.

2. Issue Court notice to learned counsel for the respondent through all permissible modes, including electronic mail, if any, returnable on 05.04.2023.

AMIT SHARMA, J MARCH 29, 2023/ab