

Evidence Of Conversation) Manisha vs State Of Nct Of Delhi And Anr on 24 February, 2023

Author: Amit Sharma

Bench: Amit Sharma

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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ BAIL APPLN. 601/2023 & CRL.M.A. 4988/2023 (For produce the evidence of conversation)

MANISHA

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Through: Ms. Archana Shahi, Mr. Virender Chaudhary and Mr. Rahul, Advocates along with applicant in person

versus

STATE OF NCT OF DELHI AND ANR.

..... Resp

Through: Mr. Manjeet Ary, APP for the State SI Anita, PS Mahendra Park, Delhi

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

% 24.02.2023 CRL.M.A. 4989/2023 Exemption Exemption allowed, subject to just exceptions. The application is disposed of accordingly.

BAIL APPLN. 601/2023 & CRL.M.A. 4988/2023 (For produce the evidence of conversation) The present application under Section 438 read with Section 482 of the Cr.P.C. in case FIR No. 1158/2022, under Section 376/354/354C of the IPC and Section 6/8/12 of the POCSO Act, registered at P.S. Mahindra Park, Delhi.

Learned counsel appearing on behalf of the applicant submits that the latter is the real paternal aunt of the victim and has been falsely implicated in the present FIR on the instance of victim's father, who wants to grab the property of her mother. It is further submitted that the applicant is a mother of 5 children and is ready and willing to join investigation as and when required by the Investigating Officer.

Issue notice.

Learned APP for the State accepts notice and seeks time to file the status report. Let the same be done before the next date of hearing.

Issue notice to the victim to be served through Investigating Officer, returnable on 02.03.2023.

In the meantime, on the applicant joining investigation as and when directed by the Investigating

Officer, no coercive action shall be taken against the applicant, till the next date of hearing.

Order be uploaded on the website of this court forthwith.

AMIT

FEBRUARY 24, 2023/sn

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* IN THE HIGH COURT OF DELHI AT NEW DELHI

RAJENDER SHARMA

Through:

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Mr. Rajnish Ranjan, Mr.
Sharma, Mr. Sam
Mr. Satyam Sharma and Mr.
Kumar, Advocates along w
applicant in person.

versus

STATE OF NCT OF DELHI & ANR.

..... Responden

Through: Mr. Aman Usman, APP for the State.

Insp. Chetan Mandia, PS EOW.

Mr. Rahul Kumar, Advocate for R-2.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA ORDER % 24.02.2023 Learned counsel appearing on behalf of the applicant submits that the applicant is complying with the conditions of the settlement deed dated 11.09.2022 and will continue to comply with the same.

At request, re-notify on 11.05.2023.

Interim bail granted vide order dated 25.01.2023, is extended till the next date of hearing with the same terms and conditions.

Order be uploaded on the website of this court forthwith.

AMIT S

FEBRUARY 24, 2023/sn

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IN THE HIGH COURT OF DELHI AT NEW DELHI

PRADEEP KUMAR DAGAR

....

Through: Mr. Amit Sahni, Mr. Vai
Mr. Parth Sharma & Ms.
Tiwari, Advocates.

versus

CENTRAL BUREAU OF INVESTIGATION

....

Through: Ms. Anubha Bhardwaj, SP
with Mr. Sachin Singh &
Mukesh Kumar Mishra, AC

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

24.02.2023

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CRL.M. (BAIL) 19/2023

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

The present applicant/appellant was convicted vide judgment dated 19.11.2022, passed by Sh. Amit Kumar, Special Judge, PC Act (CBI)-04, Rouse Avenue Courts, Delhi in CC No. 166/2019, R.C. No. 28 (A)/17, CBI/ACB/ND. The applicant/appellant was sentenced to undergo rigorous imprisonment for 04 years with a fine of Rs. 50,000/- for the offence punishable under Section 7 of the Prevention of Corruption Act, 1988, and in default of payment of fine, further simple imprisonment of 06 months and further sentenced to undergo rigorous imprisonment of 04 years with a fine of Rs. 50,000/- for the offence punishable under Section 13(1)(d) read with Section 13(2) of the Prevention of Corruption Act, 1988 and in default of payment of fine, further simple imprisonment for 06 months, both the sentence to run concurrently.

Learned counsel appearing on behalf of the applicant/appellant submits that the present appellant/applicant was posted as Veterinary Inspector at that relevant point of time, and had recommended rejection of the application of the complainant for grant of meat trade license on 17.07.2017, on the ground that the complainant had failed to submit requisite documents. It is pointed out that the said recommendation was accepted by the superior officers vide endorsement dated 19.07.2017. The complainant in the present case was intimated about aforesaid objection through communication from the department on 19.07.2017 and complainant's endorsement with regard to the same is dated 20.07.2017.

It is submitted that trap in the present case was laid on 20.07.2017. It is further submitted that the applicant/appellant was granted bail in the present case and during the entire period of trial, he did not misuse the liberty of bail and neither did he violate any conditions imposed upon him. It is submitted that he regularly appeared before the learned trial Court till he was taken into custody on 19.11.2022. It is further submitted that the appellant/applicant is the sole bread earner of his family and his conduct during the period of trial demonstrates that he is not a flight risk.

Per contra learned Special Public Prosecutor for the Central Bureau of Investigation opposes the present bail application and submits that the complainant had filed the complaint on 18.07.2017, and in pursuance thereof, a trap was laid down and the present applicant/appellant was caught red handed while accepting a bribe of Rs. 10,000/-.

The Nominal Roll dated 07.12.2023, received from the Office of the Superintendent, Central Jail No. 7, Tihar, New Delhi reflects that the applicant/appellant has undergone a sentence of 03 months and 04 days.

The applicant/appellant has deposited a fine of Rs. 1,00,000/- before the learned trial Court. In view of the fact that the applicant/appellant was on bail during the pendency of the trial and did not misuse the bail granted and the fact that the present appeal is likely to take time for final hearing, the present application is allowed.

The sentence of the present applicant/appellant is suspended and the applicant/appellant is directed to be released on bail on his furnishing a personal bond of Rs. 50,000/- with one surety of like amount to the satisfaction of the trial Court/Link Court, further subject to following conditions:

- i. The applicant shall not leave the country without prior permission of the Court.
- ii. The applicant shall intimate this Court by way of an affidavit and to the Investigating Officer regarding any change in residential address.
- iii. The applicant shall appear before the 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.

The application is allowed and disposed of accordingly. Order be uploaded on the website of this court forthwith.

List in due course.

AMIT SH

FEBRUARY 24, 2023/bsr

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* IN THE HIGH COURT OF DELHI AT NEW DELHI
+ CRL.REV.P. 201/2023 & CRL.M.A. 5073/2023 (Stay)
DR. NEERAJ AGGARWAL

Through: Mr. Vikas Pahwa, Senior
with Mr. Vishal Bhatnagar,
Walia, Mr. Karan Arora,
Numisha Jain, Mr. Arun
Advocates.

versus

STATE OF NCT DELHI THROUGH SHO PS AMAR COLONY Respondent
Through: Mr. Aman Usman, APP for the State with S.I. Chanchal, P.S. Amar Colony,
New Delhi.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA ORDER % 24.02.2023 The present
petition under Sections 397/401 of the Cr.P.C. seeks following prayers:

"It is therefore most respectfully prayed that this Hon'ble Court may kindly be pleased to set aside the Order on Charge dated 23.01.2023, passed in the court of MS. Surya Malik Grover, LD, ASJ-Spl. Fast track Court, South-East District, Saket Courts, New Delhi SC No. 592/2018 qua petitioner i.e., Dr. Neeraj Aggarwal.

Any other order which this Hon'ble Court deems fit and proper in the facts and circumstances of the present case may also kindly be passed in favor of the petitioner/accused."

Learned Senior Counsel appearing on behalf of the petitioner submits that the charges framed qua the present petitioner under Sections 201/202 of the IPC, vide impugned order on charge, dated 23.01.2023, passed by Ms. Surya Malik Grover, Additional Sessions Judge, Special Fast Track Court, South-East District, Saket Courts, New Delhi, in SC No. 592/2018, arising out of FIR No. 394/2018, registered at P.S. Amar Colony, was on account of presumptions with respect to the circumstances under which the prosecutrix was treated by the petitioner.

Issue notice.

Learned APP for the State accepts notice and seeks time to file status report. Let the same be done before the next date of hearing.

Issue notice to the prosecutrix to be served through the Investigating Officer concerned.

In the meantime, the impugned order on charge dated 23.01.2023 passed by learned Additional Sessions Judge qua the present petitioner shall remain stayed, till the next date of hearing.

List on 15.03.2023.

Order be uploaded on the website of this Court forthwith.

AMIT SHARMA, J FEBRUARY 24, 2023/ab