Sequence of Events

Jasram @ Jasso vs. State (Govt. of NCT of Delhi)

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| Item No. | Dated | Event / Document |
|  | **July 4, 2007** | **Date of Occurrence** – SI Satish Rana received an information at 7:45 P.M. that a consignment of opium will be reaching at the hands of the accused around 9:15 PM – 9:45 PM near Akshardham Mandir. At around 09:20 P.M., the accused was seen by the raiding team coming with a red colour bag on his shoulder. On inquiry, the accused disclosed his name as Jasram @ Jasso. A polythene was found inside the bag, containing 1.5 kgs of a foul smelling black-colored sticky substance, which was found to be opium.  **Note**: 2 Samples each weighing 50 gms were taken and the accused was taken into custody. |
|  | **July 5, 2007** | FIR No. 65/07 P.S. Narcotics Branch Filed – Accused was told of his legal right to get himself searched in front of a Gazetted officer or a Magistrate and can search the government vehicle before his search being conducted. Accused rejected all offers of exercise of such rights and signed accordingly on the notice u/s 50 of NDPS Act. |
|  | **July 20, 2007** | Charge-sheet u/s 18 of the NDPS Act (Punishment for contravention in relation to opium poppy and opium) |
|  | **November 15, 2007** | Accused charged by S. C. Malik, Spl. Judge (NDPS Act) KKD Courts/Delhi under section 18 (b) of NDPS Act. |
|  | **Between Aug 9, 2009 - September 28, 2011 15, 2007** | 9 Witnesses examined / cross examined.  Ct. Satpal examined (August 3, 2009 – PW-2)–   * Explained the sequence of events as explained in Item No. 1 * The distance between P.S. and spot must be 4 K.M.; distance between main gate of Akshardham Mandir and spot is about 500m. * Cannot tell in which vehicle ASI went to the spot.   Corroborated by – **PW-3 SI Satish Rana** (September 10, 2009) - Does not remember the specific time when pulandas of samples and recovered opium were prepared but this proceeding was conducted between 9:30 PM to 12:30 A.M. On cross-examination on 27.07.2011–Distance between spot and gate of Mandir is about 400-450m. 2nd IO ASI Paramjeet reached spot at about 1 AM in vehicle no. DL 1 CF 3426.  Corroborated by **PW-4 ASI Devender Singh** (January 25, 2010)  Corroborated by **PW-5 HC Ishwar Singh** (January 25, 2010)  Corroborated by **PW-6 HC Karuna Karan Nair** (March 8, 2010) - The entries in the diary register are not in his handwriting. He cannot answer if the entries in column number 2 was 806 and not 808. It is correct that there is no remark in column no. 5 in Ex. PW6/E.  Corroborated by **PW-7 Insp. Kharak Singh** (July 8, 2010) – Does not remember what color of clothes secret informer was wearing but he was wearing pants-shirt.  Corroborated by **PW-8 SI Paramjeet Singh** (August 12, 2010) – On cross examination, said that he had not made efforts to join any public witness in the proceedings.  Corroborated by **PW-9 HC Vijay Pal** (November 23, 2010) - On cross-examination on 28.09.2011 – The secret informer identified the accused at about 9/9:15 PM. The secret informer was wearing pants and shirt. No notice was given by SI Satish Rana to any public person u/s 160 of Cr.P.C. |
|  | **October 10, 2011** | Accused examined u/s **313, Cr.P.C**.  Denied every basic information given by the Prosecution witnesses.   * Said that he was forced to write the reply to the notice, (Ex. PW2/B, which was reduced into writing by his own handwriting). * PWs are false and interested witnesses. * **I am innocent, was lifted from Madanpur Khadar near Gas Plant at about *8:30 PM – 8:45 PM* and falsely implicated at the instance of Shiv Kumar, s/o Ram singh. At the time, my brother in law Raj Kumar and one Sri Chand, one Basanta were also present there.** |
|  | **October 20, 2011** | Defense witnesses  DW-1 **Sri Chand s/o Shri Ram Ji Lal**   * Knows accused. * On 04.07.2007, I came to Delhi with accused and went to Madanpur Khadar Gas Plant to one Shiv Kumar, who was known to accused. Shiv Kumar asked accused to wait for 10 mins and meanwhile one white Alto car arrived and accused was taken by persons sitting in that car. * Not a summoned witness. |
|  | **November 3, 2011** | DW-2 **Sri Raju s/o Shri Dharam Pal**   * Knows accused as his brother-in-law. * In 2007, does not remember date/month, was sitting with accused in front of Madanpur Khadar Gas Plant. * Corroborated DW-1’s statement about white Alto and accused being taken away. |
|  | **October 21, 2014** | ***Conviction****:* **In the Court of Ms. Anuradha Shukla Bhardwaj, Spl. Judge, NDPS, KKD Courts, Delhi –** Judgment / Order finding the accused guilty u/s 18 (b) of NPDS Act.   * Prosecution has been able to prove the fact; no reason to disbelieve the prosecution case, which has been proved as per law. * Accused in his statement did not come up with an explanation why he would be falsely implicated. His defence not believable. |
|  | **October 10, 2014** | Accused sentenced for 5 years of R.I. and Rs. 20,000 fine. |
|  | **January 9, 2015** | Application u/s 389 Cr.P.C. for suspension of sentence. – submitted that if hearing of the appeal is expedited, he may not press the application seeking suspension of sentence.   * Appellant has strong prima facie case and is likely to succeed in appeal. |
|  | **January 9, 2015** | Cr. Appeal in the High Court of Delhi u/s 374 of Cr.P.C. against judgment dated 21.10.2014  Grounds of Appeal   * Ld. Trial Court erred in appreciating evidence * There is delay of 12 days sending samples to FSL Rohini from Malkhana. * PW-2 and PW-3 stated substance is black in colour, but FSL report stated dark-brown color – FSL creates serious doubt on sampling and that samples are tampered. * No public witness joined investigation. * PW-9 nowhere said he signed the notice u/s 50 of NDPS Act, only said he signed seizure memo. – Serious doubt of non-compliance of notice u/s 50 of NDPS Act. * Accused produced 2 DWs, not considered by Ld. Trial Court. * Recovery witness PW-9 stated that his statement was recorded by Ct. Dharmender at the instance of ASI Paramjit. Ct. Dharmender is not a recovery witness or member of raiding party. * Arrest memo Column 7 shows signature of Shiv Kumar, which is suspect in this case. Submitted that PW-3 SI Satish Rana stated in his cross-ex. That he had signed arrest memo of accused. At the time, column in arrest memo regarding information of arrest was blank, in violation of Hon’ble SC’s direction. * Mandatory provisions u/s 42 & 50 of NDPS Act not been complied with strictly. * Because of non-compliance of S. 50 NDPS, since accused was searched, searching officer must have informed appellant that it was his legal right to be searched in presence of Gazetted Officer or Magistrate. * Judgment based on surmises / conjectures and not on correct appreciation of evidence. |
|  | **January (date NA), 2015** | Application u/s 5 of Limitation Act for Condonation of Delay.   * Delay in filing appeal is 2 days. * Appellant is in custody since 05.07.2007, is the only bread earner of his family. His financial position precluded him from arranging funds so as to approach the Hon’ble HC within prescribed time; Relatives arranged for funds. Delay not intentional / deliberate. |
|  | **January 22, 2016** | In the High Court of Delhi – Hearing of the appeal is expedited. |
|  | **May 23, 2016** | Application u/s 482 of the Cr.P.C. praying to the Hon’ble High Court of Delhi to Requisition the Entire Trial Court Record. |