

IN THE COURT OF SH. AMITABH RAWAT,
ADDITIONAL SESSIONS JUDGE-03,
SHAHDARA, KARKARDOOMA COURT, DELHI

FIR No. 59/2020

PS- Crime Branch, Delhi (Investigated by Special Cell)

U/S. 13/16/17/18 UA (P)Act, 120B r/w 109/114/124-A/
147/148/149/153A/186/201/212/295/302/307/341/353/395/419/420/427/435
/436/452/454/468/471/34 IPC &

Section 3 & 4 Prevention of Damage to Public Property Act, 1984
and Section 25/27 Arms Act

State Vs. Tahir Hussain & Others

05.01.2021 (Proceedings through Webex).

Present : Sh. Amit Prasad, Ld. Special Public Prosecutor for the State.

1) Accused Khalid Saifi produced from Jail no.12 from
Mandoli Jail alongwith Ld. Counsel Sh. Chinmay & Sh. Rajat Kumar.

2) Accused Isharat Jahan @ Pinki produced from Jail no.16
from Mandoli Jail with Ld. Counsel Sh. Pradeep Teoatia.

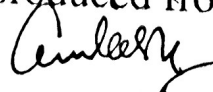
3) Accused Meeran Haider produced from Jail no.8 from Tihar
Jail alongwith Ld. Counsel Sh. Saransh Gupta.

4) Accused Tahir Hussain produced from Jail no.3 from Tihar
Jail alongwith Ld. Counsel Sh. Nalin.

5) Accused Gulfisha @ Gul produced from Jail no.6 from
Tihar Jail with Ld. Counsel Sh. Mehmood Pracha.

6) Accused Shafa Ur Rehman produced from Jail no.1 from
Tihar Jail.

7) Accused Asif Iqbal Tanha produced from Jail no.4 from



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Tihar Jail alongwith Ld. Counsel Ms. Sowjhanya Shankaran.

8) Accused Shadab Ahmed produced from Jail no.13 from Mandoli Jail alongwith Ld. Counsel Sh. Shivam Sharma.

9) Accused Natasha Narwal produced from Jail no.6 from Tihar Jail alongwith Ld. Counsels Sh. Adit S. Pujari & Ms. Tusharika Mattoo in court and Sh. Kunal Negi.

10) Accused Devangana Kalita produced from Jail no.6 from Tihar Jail alongwith Ld. Counsels Sh. Adit S. Pujari & Ms. Tusharika Mattoo in court and Sh. Kunal Negi.

11) Accused Tasleem Ahmed produced from Jail no.14 from Mandoli Jail with Ld. Counsel Sh. Mehmood Pracha.

12) Accused Saleem Malik @ Munna produced from Jail no. 13 from Mandoli Jail.

13) Accused Mohd. Saleem Khan produced from Jail no.13 from Mandoli Jail with Ld. Counsel Sh. Mehmood Pracha.

14) Accused Athar Khan produced from Jail no.4 from Tihar Jail with Ld. Counsel Sh. Arjun Dewan.

15) Accused Safoora Zargar is on bail with Ld. Counsel Sh. Ritesh Dubey.

16) Accused Sharjeel Imam produced from Jail No.1 from Tihar Jail with Ld. Counsel Ms. Surbhi Dhar.

17) Accused Umar Khalid produced from Jail No.2 from Tihar Jail with Ld. Counsel Sh. Trideep Pais.

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18) Accused Faizan Khan on court bail with Ld. Counsel Ms. Azra Rehman.

Investigating Officer(I.O)/ACP Sh. Alok Kumar.

SI Rahul Khokhar is present in court with case diaries. The same is signed.

1. The trial in the present case has been stayed by the Hon'ble High Court of Delhi.

2. Sh. Arjun Dewan, Ld. Counsel for accused Athar and accused Athar have submitted that accused Athar is suffering from piles problem and he has also some problem in the thumb of the leg requiring surgical intervention. It is further submitted that co-inmates have also been harassing him.

Accused Athar had also raised an issue that whenever he is taken out of the jail after check-up with the Homeopathic Doctor; thereafter he is sent on quarantine after return and the rules may be relaxed.

Ld. Special Public Prosecutor submits that these quarantine conditions are within the purview of the High Powered Committee of Hon'ble High Court of Delhi.

Regarding the submissions of accused Athar about his medical condition, let a medical report be called on the next date of hearing. The concerned Medical Officer shall also appear on next date through Webex



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from the concerned Jail. In the meantime, the accused Athar may be provided the medical assistance in the jail and the concerned Jail Superintendent may also talk to the accused Athar regarding his complaint/grievances over the conduct of the co-inmates.

Regarding the quarantine issue, the same is done as per the existing rules and regulations and the pandemic situation and the court cannot change the rules.

3. Accused Saleem Malik @ Munna submits that he has himself written his application and wants it to be given directly to this court.

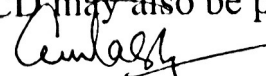
The concerned Jail Superintendent is directed to directly send the said application to this court.

4. Sh. Mehmood Pracha, Ld. Counsel for accused Tasleem and Mohd. Saleem Khan submits that soft copy/pendrive of the charge-sheet has been supplied; however, hash value has not been provided.

Ld. Special Public Prosecutor for State submits that certificate of hash value has already been filed with the judicial file and if they so want, they will supply the copy of the same.

Let same be provided to Ld. Counsels for all the accused persons.

5. Accused Umar Khalid has moved an application and prayed that soft copy of the charge-sheet on a pendrive/CD may also be provided to



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(5)

him so that same can be accessed by the him to prepare his defence. He has also referred to some other orders of this court in case FIR No. 59/20, State vs. Tahir Hussain & Ors., as also in CC No. 22/2011, RC No. DAI 2010-A-0044, titled as CBI vs. Suresh Kalmadi, Etc.

The soft copy of the charge-sheet has already been provided to the Ld. Counsels for all the accused persons and the same can also be provided to the accused persons in jail. Since all the accused persons have also simultaneously taken up the issue of providing soft copy of the charge-sheet and the prosecution has not objected to it, hence, directions are given to provide soft copy of the charge-sheet to all accused persons except accused Devangana Kalita to whom the e-charge-sheet has already been provided. Let soft copy of the charge-sheet in form of Pendrive be supplied by the I.O/prosecution to all the concerned Jail Superintendents who may upload the same on the computer which may then be made accessible to all the accused persons for study of the charge-sheet.

Put up for report regarding the said compliance from the concerned Jail Superintendents for 19.01.2021. All accused persons in JC be produced from concerned Jails on next date of hearing through Webex.

Copy of this order be e-mailed to all the concerned Jail Superintendents for information and compliance. Copy of this order be e-mailed to all the Ld. Counsels, Ld. Special Public Prosecutor and the Investigating Officer.


(Amitabh Rawat)

Addl. Sessions Judge-03

Shahdara, Karkardooma Courts/05.01.2021