

**CNR no.DLNE01-000458-2021**

SC no.50/21

State vs Mohd.Shahnawaz @ Shanu & ors.

FIR no.53/20

PS Gokaluri

17.08.2022 (01.00 p.m.)

Present: **Sh.D.K.Bhatia**, Id.Special PP for the State  
alongwith IO ASI Ram Dass.  
Accused Mohd.Shahnawaz @ Shanu, Ashraf Ali and  
Parvez have been produced from J/C.  
Accused Mohd.Shoaib @ Chutwa, Shahrukh, Rashid  
@ Raja, Azad, Mohd.Faisal, Rashid @ Monu in  
person on bail.  
**Sh.Salim Malik and Ms.Shavana**, Id. counsels for  
accused Mohd.Shoaib @ Chutwa, Shahrukh and  
Rashid @ Raja.  
**Sh.Z.Babar Chauhan**, Id. counsel for accused  
Mohd.Shahnawaz, Azad and Parvez.  
**Sh.Abdul Gaffar**, Id. counsel for accused Ashraf  
Ali, Rashid @ Monu and Mohd.Faisal.

P.Ws Himanshu and ASI Hari Babu are present. PW  
ASI Hari Babu has been examined in chief as PW-6 and partly  
cross examined. Further cross examination is deferred for post  
lunch session. PW Himanshu is discharged unexamined.

Put up at 2.00 p.m.

**(PULASTYA PRAMACHALA)**

ASJ-03(NE)/ KKD Courts/Delhi

17.08.2022

17.08.2022 (02.58 p.m.)

Present: **Sh.D.K.Bhatia**, Id.Special PP for the State  
alongwith IO ASI Ram Dass.  
Accused Mohd.Shahnawaz @ Shanu, Ashraf Ali and  
Parvez have been produced from J/C.  
Accused Mohd.Shoaib @ Chutwa, Shahrukh, Rashid  
@ Raja, Azad, Mohd.Faisal, Rashid @ Monu in  
person on bail.  
**Sh.Salim Malik and Ms.Shavana**, Id. counsels for  
accused Mohd.Shoaib @ Chutwa, Shahrukh and  
Rashid @ Raja.

**Sh.Z.Babar Chauhan**, ld. counsel for accused  
Mohd.Shahnawaz, Azad and Parvez.

**Sh.Abdul Gaffar**, ld. counsel for accused Ashraf  
Ali, Rashid @ Monu and Mohd.Faisal.

An application has been filed to take on record copy of relevant entries from register no.19 and register no.21. Copy of acknowledgment of case property also filed. Same are taken on record. Copies of the same supplied to ld. defence counsels.

PW-6 ASI Hari Babu has further been cross examined and discharged.

In the morning, one witness Himanshu was present, but he was discharged unexamined because on perusal of his statement u/s 161 Cr.PC, it was found that he had narrated about the incident at 6.00 p.m. on 25.02.2020, though, present trial is being conducted in respect of an incident allegedly taken place between 12 a.m. to 1.00 a.m. in the intervening night of 24/25.02.2020. This witness was not relevant at all for this case and hence, he was discharged and his name is being dropped. Unfortunately, despite giving directions to the prosecution in a number of cases for dropping irrelevant and unnecessary witnesses, no such step has been taken in this case by representative of prosecution i.e. Special PPs as well as IOs. Such directions were also communicated to ld.DCP, North East, but still same did not have any positive effect in this case. Since the witness had already come to the court, therefore, he was paid diet money. No respect for time of the witness, time of this court and money of public exchequer, is being shown by prosecution despite repeated directions. Hence, I am compelled to impose a cost of Rs.5000/- upon the prosecution. The cost shall be paid in the court on the next date and ld. DCP, North East shall further make enquiry to fix accountability, in order to recover such cost amount from the responsible person. At the same time, a request

is again repeated for Id. DCP, North East to sensitize all Special P.Ps and IOs of all the riot cases to go through their cases to check, if any irrelevant witness has been cited and to take immediate steps to drop them, rather than obtaining summons for such witnesses.

Put up for RPE on 30.11.2022, 03.12.2022, 06.12.2022 and 17.12.2022.

**(PULASTYA PRAMACHALA)**  
ASJ-03(NE)/ KKD Courts/Delhi  
17.08.2022