

unsubstantiated copy

State Vs. Mohammed Zubair
FIR No. 172/2022
PS Special Cell
U/Sec. 153A/295A IPC

28.06.2022

An application/request for 05 days PC remand of accused Mohammed Zubair is filed by IO SI Harish Yadav.

Present: Ld. Substitute APP for the State.

Accused is produced after one day PC remand.

Ms. Vrinda Grover, Sr. Counsel alongwith Sh. Soutik Banerjee, Ms. Devika Tulsiani and Ms. Mannat Tipnis, counsels for the accused Mohammed Zubair.

IO SI Harish Yadav, IFSO, Special Cell, Dwarka, Delhi, with case file.

Accused Mohammed Zubair was arrested on 27.06.2022 and was produced before Ld. Duty MM on 27.06.2022 and Ld. Duty MM had granted 01 day PC remand on the ground that accused did not co-operate with the investigating agency and PC remand was required to gather information regarding device from which the tweet was made by the accused.

Heard. Record perused.

As regard the contention of Ld. Counsel for the accused that notice U/Sec.41A Cr.P.C was not given and decision of Hon'ble High Court of Delhi in Rakesh Kumar Vs. Vijayanta Arya(DCP) & Ors., dated 28.10.2021 in Cont.CAS(C) 480/2020 and standing order No.109/2020 of Worthy Commission of Police, New Delhi dated 04.06.2020 and judgment in Amandeep Singh Jauhar Vs. NCT of Delhi of Hon'ble High Court of Delhi having not been complied with is not of any use as notice U/Sec.41A Cr.P.C was given to the accused and is part of record of the police file.

The reliance of Ld. Counsel for the accused with respect to Patricia Mukhim Vs. State of Meghalaya & Others, 2021 SCC OnLine SC 258 and Bilal Ahmed Kaloo Vs. State of A.P(1997) 7 SCC 431 with respect to provision U/Sec.153A IPC and 505 IPC are of no assistance as present investigation is going on qua offences U/Sec.153A/295A IPC against accused.

The decision in Dhondiba Irba Namwad Vs. State of Maharashtra dated 27.02.2020 in CrI. Application No.192/2016 decided by Hon'ble High Court of Bombay, Nagpur Bench pertaining to Section 295A IPC are also not any assistance to the accused.

The submissions with respect to photograph which is a part of the tweet in question being a part of the movie Kissi Se Na Kehna of the year 1983 are also of no assistance to the accused at this stage.

Considering that mobile phone/laptop of accused used by him for posting the tweet in question is to be recovered at the instance of accused Mohammed Zubair from his Bangalore residence and that accused Mohammed Zubair has remained non-cooperative and the disclosure statement on record, 04 days PC remand of accused is granted since accused is to be taken to Bangalore.

Accused Mohammed Zubair be produced before **concerned Court/Duty MM on 02.07.2022.**

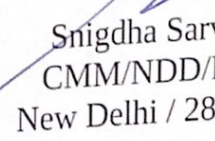
IO is directed to get the medical of the accused conducted as per rules.

Let covid-19 guidelines be followed as per rules.

Application for grant of PC remand is accordingly disposed off.

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Copy of order be given dasti to the IO.


Snigdha Sarvaria
CMM/NDD/PHC
New Delhi / 28.06.2022