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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CRL.M.C. 1347/2011

RAVI @ RAM KISHORE

..... Petitioner

Through Ms.Jyotsana Gupta, Adv.

versus

STATE

..... Respondent

Through Mr.Pravin Sharma, APP

CORAM:

HON'BLE MR. JUSTICE V.K. SHALI

ORDER

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29.04.2011

Crl.M.A.No.5000/2011

1. This is an application seeking exemption from filing the certified copies.
2. The application is allowed subject to all just exceptions.

CRL.M.C. No.1347/2011

1. The learned counsel for the petitioner by virtue of the present petition has challenged the order dated 21.4.2011 passed by the learned ASJ in the case titled **State Vs. Ravi @ Ram Kishore** bearing FIR no.1096/2006 under Section 395/412 IPC registered at P.S. Badli.
2. The contention of the learned counsel for the petitioner is that another FIR bearing No.973/06 u/S 399/402 IPC is pending in the Court of Sh.R.B.Singh, learned ASJ.
3. It has been contended that in the said FIR, the police witness PW-3

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Certify that the digital and physical file have
been compared and the digital data is as per
the physical file and no page is missing.

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Constable Jaipal Singh has testified that on the date of arrest of the accused, one knife was recovered from him and thereafter, he was taken to the hospital for the purpose of medical checkup and later on remanded to the judicial custody.

4. The contention of the learned counsel for the petitioner is that the testimony of Constable Jaipal Singh does not show the recovery of any Supari bags from the petitioner or at his instance. It is urged by the learned counsel for the petitioner that the application of the petitioner under Section 311 Cr.P.C. for tendering certified copies of testimonies of Constable Jaipal Singh was disallowed by the learned ASJ which would show that no recovery has been effected from the petitioner.
5. I have considered the submission made by the learned counsel for the petitioner and have gone through the impugned order as well as the testimony of the Constable.
6. It is stated by the learned counsel for the state that the Constable is not a witness to the seizure of case property in respect of the FIR bearing No.1096/2006 under Section 395/412 IPC in which impugned order was passed by the learned Sessions Judge, therefore, in my considered opinion, he could not testify as to whether the recovery was effected in pursuance to the disclosure statement purported to have been made by the accused in the said case or not.

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7. In any case, the learned Sessions Judge has observed in the impugned order that the case is at the final stage and the application is actuated with a view to delay the trial.
 8. I do not find any abuse of processes of law, impropriety or illegality in the impugned order passed by the learned ASJ.
 9. The petition is accordingly dismissed.


V.K. SHALI, J

APRIL 29, 2011

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