

IN THE HIGH COURT OF DELHI AT NEW DELHI

(CRIMINAL ORIGINAL JURISDICTION)

WRIT PETITION (CRIMINAL) NO. OF 2020**IN THE MATTER OF:****AQIL HUSSAIN**

...PETITIONER

VERSUS

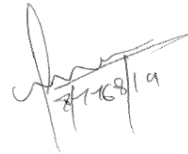
STATE OF N.C.T. OF DELHI & ORS ...RESPONDENTS**I N D E X**

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FILED BY :-



MEHMOOD PRACHA
JATIN BHATT
ADVOCATES
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PLACE: NEW DELHI
DATED: 14.05.2020

IN THE HIGH COURT OF DELHI AT NEW DELHI

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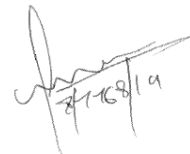
STATE OF N.C.T. OF DELHI & ORS ...RESPONDENTS

NOTICE OF MOTION

Sir,

Please find enclosed herewith a complete set of the present Petition which is likely to be listed on 15 May, 2020 or any date thereafter as per the convenience of the Registry.

THROUGH



MEHMOOD PRACHA

JATIN BHATT

ADVOCATES

COUNSEL FOR THE PETITIONER

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

PLACE: NEW DELHI

DATED: 14.05.2020

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STATE OF N.C.T. OF DELHI & ORS ...RESPONDENTS

URGENT APPLICATION

TO

THE DEPUTY REGISTRAR,

HIGH COURT OF DELHI,

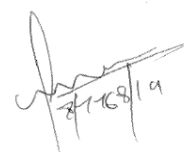
NEW DELHI.

Sir,

Kindly treat the above noted writ petition as an urgent one as it involves the question of right to live and personal liberty of detainee.

PETITIONER

THROUGH



MEHMOOD PRACHA
JATIN BHATT
ADVOCATES

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

PLACE: NEW DELHI
DATED: 14.05.2020

IN THE HIGH COURT OF DELHI AT NEW DELHI

(CRIMINAL ORIGINAL JURISDICTION)

WRIT PETITION (CRIMINAL) NO. OF 2020**IN THE MATTER OF:****AQIL HUSSAIN**

...PETITIONER

VERSUS

STATE OF N.C.T. OF DELHI & ORS ...RESPONDENTS**MEMO OF PARTIES****IN THE MATTER OF:****AQIL HUSSAIN,**

S/O SHRI TASNEEF HUSSAIN,

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

...PETITIONER

VERSUS

1. STATE OF NCT OF DELHI

THROUGH ITS SECRETARY

I.P. ESTATE, NEW DELHI

...RESPONDENT NO.1

2. THE COMMISSIONER OF DELHI POLICE

DELHI POLICE HEADQUARTERS

I.P. ESTATE, ITO,

NEW DELHI

...RESPONDENT NO. 2

3. THE DEPUTY COMMISSIONER OF POLICE

CRIME BRANCH, DELHI POLICE

DELHI POLICE HEADQUARTERS

I.P. ESTATE, ITO,

NEW DELHI

...RESPONDENT NO. 3

4. THE DEPUTY COMMISSIONER OF POLICE

SPECIAL CELL, DELHI POLICE

DELHI POLICE HEADQUARTERS

I.P. ESTATE, ITO,

NEW DELHI

...RESPONDENT NO. 4

5. THE DIRECTOR GENERAL OF PRISONS

TIHAR CENTRAL JAIL,
TIHAR JAIL, NEW DELHI,
DELHI 110058

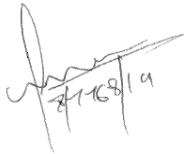
...RESPONDENT NO. 5

6. STATION HOUSE OFFICER

P.S. JAFRABAD

...RESPONDENT NO. 6

FILED BY



MEHMOOD PRACHA
JATIN BHATT
ADVOCATES

[Redacted signature block]

PLACE: NEW DELHI
DATED: 14.05.2020

SYNOPSIS

The sister of the Petitioner was arrested by the local police from P.S. Jafrabad on 09.04.2020, whereafter the family was contacted by various persons claiming to be officials from the Special Cell, Delhi Police. Initially, no details as to the charges and the F.I.R. against the sister of the Petitioner were provided, and only contact between the family and the detainee was through phone calls facilitated by the officials in whose custody she was.

Upon being informed of the F.I.R. details, the sister of the Petitioner moved for bail before the Ld. Duty Magistrate. During the adjudication of the Bail Application, the Ld. Duty Magistrate as well as the detainee were informed that charges were pending against her in another F.I.R., where provisions under the Unlawful Activities Prevention Act had been invoked. The Ld. Duty Magistrate was thereafter pleased to dismiss the bail application.

The detainee then approached the court of the Ld. Sessions Judge on duty during the lockdown period, who was pleased to grant bail to the Petitioner in the first F.I.R. Nevertheless, due to the charges against the detainee in the second F.I.R., she has not been released.

The Petitioner is moving this Hon'ble Court because due to the invocation of charges under the UAPA against his sister, it is only a Special Court constituted and empowered under the National Investigation Agency Act which can extend her custody. The Special Courts have not been functioning due to the suspension of normal court functioning during the lockdown period and risks associated with COVID-19 pandemic. Consequently, the custody of the sister of the Petitioner is without authority of law, and illegal. Hence, the present petition.

LIST OF DATES AND EVENTS

09.04.2020	Sister of the Petitioner is arrested in connection with F.I.R. No. 48 of 2020 registered at P.S. Jafrabad under various provisions of the Indian Penal Code.
01.05.2020	Detainee approaches the Ld. Duty M.M. for grant of regular bail in F.I.R. No. 48 of 2020. During the adjudication of the Application, the Ld. Duty M.M. and the detainee are informed that charges under another F.I.R. No. 59 of 2020 being investigated by the Crime Branch, Delhi Police, are pending, which include

	charges under the Unlawful Activities Prevention Act have been invoked.
03.05.2020	Ld. Duty M.M. dismisses the bail application of the detainee in F.I.R. No. 48 of 2020.
08.05.2020	Detainee moves for bail before the Ld. Sessions Judge on Duty in F.I.R. No. 48 o 2020.
13.05.2020	Ld. Sessions Judge is pleased to grant bail to the detainee in F.I.R. No. 48 of 2020.
14.05.2020	Detainee is still in custody due to charges pending in F.I.R. No. 59 of 2020, P.S. Crime Branch. Due to invocation of charges under the UAPA, only a Special Court constituted and empowered under the NIA Act can remand the Detainee to custody. As Special Courts are not sitting during the lockdown/suspended functioning of courts due to COVID-19 pandemic, custody of the Detainee is without authority of law and illegal.
16.05.2020	Hence, the Present Petition.

IN THE HIGH COURT OF DELHI AT NEW DELHI

(CRIMINAL ORIGINAL JURISDICTION)

WRIT PETITION (CRIMINAL) NO. OF 2020IN THE MATTER OF:**AQIL HUSSAIN,**
S/O SHRI TASNEEF HUSSAIN,
BROTHER OF **MS. GULFISHA FATIMA**

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

...PETITIONER

VERSUS

1. STATE OF NCT OF DELHI

THROUGH ITS SECRETARY

I.P. ESTATE, NEW DELHI

...RESPONDENT NO.1

2. THE COMMISSIONER OF DELHI POLICE

DELHI POLICE HEADQUARTERS

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NEW DELHI

...RESPONDENT NO. 2

3. THE DEPUTY COMMISSIONER OF POLICE

CRIME BRANCH, DELHI POLICE

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I.P. ESTATE, ITO,

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NEW DELHI

...RESPONDENT NO. 4

5. THE DIRECTOR GENERAL OF PRISONS

TIHAR CENTRAL JAIL,

TIHAR JAIL, NEW DELHI,

DELHI 110058

...RESPONDENT NO. 5

6. STATION HOUSE OFFICER

P.S. JAFRABAD

...RESPONDENT NO. 6

**PETITION UNDER ARTICLE 226 OF THE
CONSTITUTION OF INDIA READ WITH
SECTION 482 OF THE CODE OF CRIMINAL
PROCEDURE FOR ISSUANCE OF A WRIT OF
HABEAS CORPUS TO THE RESPONDENTS
FOR PRODUCTION AND RELEASE OF THE
SISTER OF THE PETITIONER**

TO

THE HON'BLE CHIEF JUSTICE AND
HIS HON'BLE COMPANION
JUSTICES OF HON'BLE HIGH
COURT OF DELHI

THE HUMBLE PETITION OF
THE PETITIONER ABOVE
NAMED

MOST RESPECTFULLY SHOWETH:

1. That the Petitioner is compelled to approach this Hon'ble Court by way of the present Petition under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure *inter alia* for issuance of a writ of *Habeas Corpus* inasmuch as the fundamental rights of the sister of the Petitioner Ms. Gulfisha Fatima, as envisaged under Articles 14, 21 and 22, among others, enumerated in the Constitution of India, the Code of Criminal Procedure, and other enactments, have been violated by the Respondents. The sister of the petitioner has been kept in illegal custody/detention by the Respondents. The sister of the petitioner was arrested on 09.04.2020 in connection with F.I.R. No. 48 of 2020 registered under sections 147/186/188/283/353/109/34 IPC, 1860 at P.S. Jafrabad. It may be noted that the sister of the Petitioner has clean antecedents and no criminal

record, and neither has any illegal activity ever been imputed to her or otherwise reported or even alleged. Copy of the F.I.R. No. 48 of 2020 registered under sections 147/186/188/283/353/109/34 IPC, 1860 at P.S. Jafrabad is annexed herewith and marked as **ANNEXURE A-1**.

2. That the brief facts leading to filing of the present petition are as follows:

a. That the Petitioner is a citizen of India. He has deep roots in the NCT of Delhi. The Petitioner is about 25 years of age and is a permanent resident of [REDACTED]

b. That the sister of the petitioner is very dedicated and committed towards her social and family responsibilities and had a healthy relationship with her family, besides being an upstanding member of the community. The Petitioner and his sister are both staunch nationalists and belong to a family of freedom fighters. The sister of the Petitioner is further an activist for constitutionalism and ideals of Baba Saheb Dr. B.R. Ambedkar.

- c. That on 09.04.2020 the sister of the Petitioner was arrested by officials of the Delhi Police in connection with the aforementioned F.I.R. No. 48 of 2020, P.S. Jafrabad.
- d. That the Petitioner and his family were repeatedly contacted by persons purporting to be officials of the Special Cell, Delhi Police, in relation to the arrest of the sister of the Petitioner. Initially, no details were provided by any officials regarding the charges against Ms. Gulfisha, the F.I.R.(s) against her, and even as to where she was lodged/held in custody.
- e. That a bail application under Section 437 of the Cr.P.C. filed by Ms. Gulfisha in F.I.R. No. 48 of 2020 registered under sections 147/186/188/283/353/109/34 IPC, 1860 at P.S. Jafrabad was dismissed by the Ld. Metropolitan Magistrate/ Duty M.M., Shahdara District, vide order dated 03.05.2020 on several grounds including that as per the Investigating Officer in F.I.R. No. 48 of 2020, Ms. Gulfisha was involved in another F.I.R., being F.I.R. No. 59 of 2020 registered under sections 13/16/17/18 of the Unlawful Activities (Prevention) Act, 1967 section 120B

read with sections 302/307/353/186/212/395/427/435/436/452/454/109/114/147/148/124A/153A of the Indian Penal Code, sections 3 & 4 of the Prevention of Damage to Public Property Act, and sections 25/27 of the Arms Act, and which is being investigated by the Crime Branch. Copy of order 03.05.2020 passed by the Ld. Duty M.M. dismissing the bail application of Ms. Gulfishat is annexed herewith and marked as **ANNEXURE A-2.**

- f. Aggrieved by the said order, Ms. Gulfisha approached the court of the Ld. Sessions Judge under Section 439 of the Cr.P.C. Vide order dated 13.05.2020, the Ld. Sessions Judge, Shahdara District, was pleased allow the bail application of the Ms. Gulfisha in F.I.R. No. 48 of 2020, *inter alia* on the ground of parity. Copy of order dated 13.05.2020 passed by the Ld. ASJ-05, Shahdara District, Karkardooma Courts, granting regular bail to the sister of the Petitioner Ms. Gulfisha Fatima in F.I.R. No. 48 of 2020 registered under sections 147/186/188/ 283/353/109/34 IPC, 1860 at P.S. Jafrabad is annexed herewith and marked **ANNEXURE A-3.**

3. That even though the sister of the Petitioner Ms. Gulfisha has been granted bail in F.I.R. No. 48 of 2020 registered under sections 147/186/188/283/353/109/34 IPC, 1860 at P.S. Jafrabad, she remains in custody due to the purported charges lying against her in F.I.R. No. 59 of 2020 registered under sections 13/16/17/18 UAPA, section 120B read with sections 302/307/353/186/212/395/427/435/436/452/454/109/114/147/148/124A/153A of the Indian Penal Code, sections 3 & 4 of the Prevention of Damage to Public Property Act, and sections 25/27 of the Arms Act.
4. That it is submitted that Ms. Gulfisha, the sister of the Petitioner, has been confined in custody in F.I.R. No. 59 of 2020 even though the Special Courts constituted under the National Investigation Agency Act, 2008 (hereafter referred to as the NIA Act) empowered to extend the judicial custody of persons charged under any provisions of the UAPA, including sections 13/16/17/18 invoked against Ms. Gulfisha, have not been sitting since 23.03.2020, owing to the suspended functioning of courts subordinate to this Hon'ble Court due to the risks associated with COVID-19 pandemic and

consequent lockdown measures imposed by the Union Government. Copies of relevant orders of this Hon'ble Court passed on the administrative side suspending the functioning of subordinate courts and establishing the guidelines for suspended functioning of the subordinate courts are annexed herewith and marked as **ANNEXURE A-4 (Colly.)**.

5. That as the Special Courts empowered to extend the judicial custody of Ms. Gulfisha have not been sitting, the continued detention of Ms. Gulfisha in F.I.R. No. 59 of 2020 is *prima facie* wholly without any authority of law.
6. That as Ms. Gulfisha has been granted regular bail in F.I.R. No. 48 of 2020 on 13.05.2020, and her custody in F.I.R. No. 59 of 2020 being without any authority of law, her continued detention is illegal as on 14.05.2020 and subsequent days henceforth. This constitutes a deprivation of the liberty of Ms. Gulfisha without due process, and therefore violates her fundamental right to life and liberty secured under Article 21 of the Constitution of India.
7. That the Petitioner is therefore approaching this Hon'ble Court for release of his sister who is illegally and unlawfully detained by the Respondents.

8. Being aggrieved by the actions of the Respondents and in particular the illegal detention of the sister of the Petitioner Ms. Gulfisha, the Petitioner is hereby filing a Writ Petition in the nature of Writ of Habeas Corpus *inter alia* on the following grounds:

Grounds

- i. **BECAUSE** the writ of *Habeas Corpus* is a time tested last resort measure for securing of the life and liberty of ordinary persons when jeopardized by excesses committed by state authorities and other entities.
- ii. **BECAUSE** the extraordinary powers of this Hon'ble Court are most appropriately prayed for in cases such as the present case for protecting the most helpless and powerless persons in a society against state authorities and other elements who have impeded upon their liberty.
- iii. **BECAUSE** detention/ custody/ arrest can only be done in accordance with the express provisions of statute.
- iv. **BECAUSE** as per Section 13 of the NIA Act, offences under the UAPA can be tried only by a Special Court constituted under the NIA Act only, and by no other court.

- v. **BECAUSE** as the sister of the Petitioner Ms. Gulfisha has been granted regular bail in F.I.R. No. 48 of 2020 on 13.05.2020, her custody in F.I.R. No. 59 of 2020 could have been extended only by a Special Court constituted under the NIA Act.
- vi. **BECAUSE** as the Special Courts have not been functioning owing to COVID-19 pandemic and lockdown measures introduced by the State, and as the courts sitting during the suspended functioning of the courts are not empowered to extend the custody of persons charged under the UAPA, the detention of the sister of the Petitioner Ms. Gulfisha in F.I.R. No. 59 of 2020 is without authority of law from 14.05.2020 and henceforth.
- vii. **BECAUSE** detention of the sister of the Petitioner Ms. Gulfisha by the Respondents without authority of law is illegal, and therefore she deserves to be released immediately.
- viii. **BECAUSE** illegal detention without authority of law is squarely in violation of Article 21 of the Constitution of India which prevents the state

from depriving a person of their life and liberty without due process of law.

9. That the Petitioner craves leave of this Hon'ble Court to rely on other grounds at the time of hearing/argument of the present petition with the kind permission of this Hon'ble High Court.
10. That the Petitioner has not filed any other writ petition or appeal either before this Hon'ble Court or before the Hon'ble Supreme Court of India seeking similar relief.
11. That the Petitioner has no other alternative and efficacious remedy available besides filing of instant petition.

Prayer:

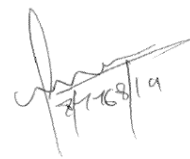
It is, therefore, prayed that this Hon'ble Court be graciously pleased to:

- a) issue a writ in the nature of *Habeas Corpus* or any other writ, order or direction as may be deemed appropriate by this Hon'ble Court, directing the respondents herein to produce the sister of the Petitioner namely Ms. Gulfisha Fatima D/o Mr. Tasneef Hussain R/o C-927 Street No. 5, Chauhan Bangar, New Seelampur, Delhi 110053, before this Hon'ble Court and;

- b) to direct the concerned respondents to satisfy this Hon'ble Court that the custody of the sister of the Petitioner Ms. Gulfisha Fatima D/o Mr. Tasneef Hussain R/o C-927 Street No. 5, Chauhan Bangar, New Seelampur, Delhi 110053, is not illegal and/or;
- c) to direct the concerned respondents to immediately release the sister of the Petitioner namely Ms. Gulfisha Fatima D/o Mr. Tasneef Hussain R/o [REDACTED]
[REDACTED]
[REDACTED]
- d) Pass any other or further orders, as this Hon'ble Court may deem fit and proper in the circumstances of the present case.

Petitioner

Through Counsel



MEHMOOD PRACHA | JATIN BHATT
ADVOCATES

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

PLACE: NEW DELHI
Dated: 14.05.2020

IN THE HIGH COURT OF DELHI AT NEW DELHI

(CRIMINAL ORIGINAL JURISDICTION)

WRIT PETITION (CRIMINAL) NO. OF 2020**IN THE MATTER OF:****AQIL HUSSAIN**

...PETITIONER

VERSUS

STATE OF N.C.T. OF DELHI & ORS ...RESPONDENTS
A F F I D A V I T

I, Aqil Hussain, s/o Taneef Hussain aged about 25 years, R/o C-927, Street No. 5 Chauhan Bangar, New Seelampur, Delhi 110053, do hereby solemnly affirm and declare as under :-

1. That I am Petitioner No. 1 in the above noted case & being well conversant with the facts & circumstances of the case am competent to swear the present affidavit.
2. That the accompanying writ petition under Article 226 of the Constitution of India read with Section 482 Cr.P.C. has been drafted by my counsel under my instructions and I say that the averments made therein are true on the basis of records.
3. That the contents of the list of dates are drafted by my counsel are true to the best of my knowledge and are derived from the records maintained by me. That the contents of the affidavit have been drafted under my instructions and have been read over to me in my vernacular language.

4. That the contents of Paragraphs 1 to 11 of the accompanying writ petition are true to my personal knowledge or are legal submissions which are based on the legal advice by my Counsel, which I believe to be true. Paragraphs a] to d] are the prayer clause to this Hon'ble Court. Nothing material has been concealed therefrom and no part of it is false.
5. That the accompanying annexures are true copies of their respective originals.
6. That the Deponent has not preferred any similar or other petition in the above mentioned matter.

Awil Hussain

DEPONENT

VERIFICATION :-

Verified at New Delhi on this 14th day of May, 2020 that the contents of above mentioned affidavit are true and correct to my knowledge and nothing has been concealed there from and no part of its false.

Awil Hussain

DEPONENT

FIRST INFORMATION REPORT

(Under Section 154 Cr.P.C.)

(सारा 154 दंड प्रक्रिया संहिता के तहत)

1. District (ज़िला): NORTH EAST P.S. (पोस्ट): JAFRABAD Year (वर्ष): 2020 FIR No (फाइल नं.): 0046 Date: 24/02/2020

2. Action (क्रिया): Section(s) (अधिनियम):
IPC 1800 186/188/153/283/341/109/147/34

3. Occurrence of Offence (अपराध की घटना):
(a) Day (दिन): SATURDAY Date From (दिनांक से): 22/02/2020 Date To (दिनांक तक): 22/02/2020
Time Period (समय अवधि): Time From (समय से): 21:00 hrs Time To (समय तक): 21:00 hrs
(b) Information received at P.S. (जाना बहा सूचना प्राप्त हुई): Date (दिनांक): 24/02/2020 Time (समय): 18:45 hrs
(c) General Diary Reference (सामान्य सटप): Entry No. (प्रविष्टि नं.): 111A Date/Time (दिनांक/समय): 24/02/2020 18:45

4. Type of Information (सूचना का प्रकार): Written

5. Place of Occurrence (घटनास्थल):
(a) Direction and Distance from P.S. (जाना से दूरी और दिशा): NORTH 500 km
(b) Address (पता): MAIN 66 FOOTA ROAD NEAR JAFRABAD METRO STATION Beat No (बीट नं.): 03
(c) In case, Outside the limit of the Police Station (जहाँ जाना सीमा के बाहर है):
Name of P.S. (जाना का नाम): District (ज़िला):

6. Complainant / Informant (सिकायतकर्ता/सूचनाकर्ता):
(a) Name (नाम): DEVENDRA SINGH
(b) Date/Year of Birth (जन्म तिथि/वर्ष): 25/08/1983 Nationality (राष्ट्रियता): INDIA
(c) Passport No. (पासपोर्ट नं.): Date of Issue (जारी करने की तिथि): Place of Issue (जारी करने का स्थान):
(d) Occupation (व्यवसाय):
(e) Address (पता): R-2 JAFRABAD, JAFRABAD NORTH EAST DELHI INDIA 9666413362

7. Details of Known/Suspect/Unknown accused with full particulars (attach separate sheet if necessary) (जाना/संदिग्ध/अज्ञात अपराधी के विवरण सटप में):
GUL SHA (GUL)
R/O CHAUHAN BANGER DELHI, JAFRABAD NORTH EAST DELHI INDIA
NATASHA
R/O UNKNOWN JAFRABAD NORTH EAST DELHI INDIA
SUBHASHANI (SUBHASANI)
R/O UNKNOWN JAFRABAD NORTH EAST DELHI INDIA

T.C. ✓

CRIME CATEGORY P.S. AREA Year 2017 FIR No. Date

DEVANOMA

(R/O) UNKNOWN JAFRABAD NORTH EAST DELHI INDIA

KALITA

(R/O) UNKNOWN JAFRABAD NORTH EAST DELHI INDIA

PAROMA ROY

(R/O) UNKNOWN JAFRABAD NORTH EAST DELHI INDIA

RUMSHA

(R/O) UNKNOWN JAFRABAD NORTH EAST DELHI INDIA

SAPAE

(R/O) UNKNOWN JAFRABAD NORTH EAST DELHI INDIA

ADINAV

(R/O) UNKNOWN JAFRABAD NORTH EAST DELHI INDIA

FASLIM

(R/O) UNKNOWN JAFRABAD NORTH EAST DELHI INDIA

SHADAB

(R/O) UNKNOWN JAFRABAD NORTH EAST DELHI INDIA

GADDU CHAUDHARY

(R/O) UNKNOWN JAFRABAD NORTH EAST DELHI INDIA

FAIZAN

(R/O) UNKNOWN JAFRABAD NORTH EAST DELHI INDIA

KASIM

(R/O) UNKNOWN JAFRABAD NORTH EAST DELHI INDIA

8. Reason for delay in reporting by the complainant/informant (शिकायतकर्ता / सूचनाकर्ता द्वारा रिपोर्ट देते से देर करने के कारण)

NO DELAY

9. Particulars of the properties stolen/involved (attach separate sheet if necessary)

Sl. No. (क्र.सं.) Property Type(Description)

Est. Value(Rs. (यु.ए. रु. में))

10. Total value of property stolen (चोरी हुई सम्पत्ति का कुल मूल्य)

11. Request Report / M.D. Case No., if any (सूचनाकर्ता द्वारा रिपोर्ट / म.डी. प्रकरण नं., यदि कोई हो)

12. F.I.R. Contents (attach separate sheet if required) (प्रकरण सूचना रिपोर्ट का मूल्य)

भारतीय Duty Officer वाला जफराबाद सिविल हस प्रकार है कि दिनांक 22/02/20 को समय करीब 8:00 PM पर मन SI व अन्य पुलिस कर्मियों के साथ DD No 536 से रोड नं 66 जफराबाद पर एरिया पैट्रोलिंग ड्यूटी पर था जो समय करीब 9:00 बजे सन करीब 200/250 की भीड़ जफराबाद की गलियों से फेडल हाथ में लेकर जफराबाद मेट्रो स्टेशन के निच आकर खड़ी हो गयी जिनमें औरतें व बहुतया पुरुष थे व जिनकी संख्या 300/400 के करीब हो गयी जो एक मत होकर गाँव 66 फुटा रोड जफराबाद मेट्रो स्टेशन के निच बैठ गये। जो वाला के हाँ में कुछ लोगों के द्वारा बिना अनुमति के NRC व Citizen Amendment

4. C. /

New Complaint

PC: JAFRABAD

Page: 1/1 File No: 144

Date: 22/02/2020

आद के विरोध में नारे लगा रहे थे जिनको ऐसा नहीं करने की व शान्तिपूर्व चले जाने की चेतावनी दी गयी जो ज़ाफ़रबाद मेट्रो स्टेशन के नीचे सीधमपुर से मौजपुर जाने वाले रास्ते पर बैठ गये जिनको समझाने के बावजूद भी अनाधिकृत भीड़ अपनी हरकतों व नारे बोलों से वाज नहीं आयी और इकट्ठे भीड़ ने गारबाजी करती रही जिसके बाद में कण्ट्रोल रूम व सीनियर ऑफिसर को बतलाया गया जो मौका पर आये । जो SHO साहब ने प्रदर्शनकारियों को बार बार शांति दनाये रखने व किसी प्रकार की हिंसा न करने की हिदायत दी लेकिन प्रदर्शनकारी एक मत होकर ऊँची ऊँची आवाज में चिल, सरकार व पुलिस के खिलाफ नारेबाजी करते रहे । जिससे आने जाने वाले लोगों को बाधा/परेशानी हो रही थी जो इस मुद्दे को लेकर लोगों में रोष है जो NRC व Citizen Amendment Act का विरोध कर रहे और तो व बहुत व अन्य का नेता व चौहान बाग़ दिल्ली में रहने वाली कुमारी गुलशिका @ गुल व नताशा सुभाषिणी @ सुहासिनी देवागना, कलिया प्रीमा राव, हमरा, सुहेल, अद्वानस तस्लीम, शंदाब, गुड्डु चौधरी, फैजान और फारिम असादी कर रहे थे व अन्य व्यक्ति/लोगों को उकसा रहे थे जो प्रदर्शनकारियों को समझाया व हिदायत दी कि वह यहाँ से शान्ति पूर्वक चले जावे लेकिन जो नहीं माने व ज़ाफ़रबाद मेट्रो स्टेशन के नीचे बैठ गये जो अभी तक भी बैठे हैं और जिनकी संख्या काफी बढ़ावा में अभी तक हो गयी है । जिन्होंने सरकारी कार्य में बाधा डाली व जनसाधारण को परेशान किया ऐसे हालात और परिस्थिति में जपान U/S 186/188/353/283/341/109/147/34 IPC का होना पारा । निहाला एक लेख बसये कराने मुकदमा HC Rajneesh No 597/NE के द्वारा थाना भिजवाया जा रहा है मुकदमा दर्ज करके मुकदमा नम्बर से सूचना दी जावे मन SI मौक पर मुकदमे के अन्वेषण में व्यस्त है।

DATE & TIME OF INCIDENT:- On 22 02 2020 At about 9:00 PM. PLACE OF INCIDENT:- Main 66 foot road near Jafarabad Metro Station. DATE & TIME DEPARTURE OF STATEMENT:- on 24 02 2020 at 6:45 PM कार्यवाही पुलिस इस समय दर्ज है कि थाना एक लेख HINDI Typed SI DEVENDRA साहब PS JAFRABAD ने HC RAJNEESH NO 597/NE के द्वारा मुकदमा दर्ज करने के उद्देश्य से ASI/DO को थाना में दी जो मने लेख की पानि पर मू० न० 48/2020 U/S 186/188/353/283/341/109/147/34 IPC का दर्ज रजिस्टर फरके CCTNS Operator से कम्प्यूटर में दर्ज करार original लेख व Computerized copy FIR द्वारा HC RAJNEESH NO 597/NE वाह्वम जनाव SHO मौक पर SI DEVENDRA साहब को भिजवायी गयी। जो अग्रिम कार्यवाही करेगा अन्य काराजाल व प्रतिया डाक द्वारा उच्च अधिकारी उपरोक्त की सेवा में भेजी जायेगी।

13 Action Taken Since the above information reveals commission of offence(s) as mentioned at Item No. 2

(को गयी कार्यवाही) पुलिस उपरोक्त जानकारी से पता चलता है कि किया गया अपराध नट न 2 में उल्लेख धारा का तहत है।

(i) Registered the case and took up the investigation.

(पुलिस दर्ज किए गए और जांच के लिए लिया गया)

OR (या)

(ii) Directed (name of the I.O.) (नाम अधिकारी का नाम) DEVENDRA SINGH

Rank (पद)

SI (SLE INSPECTOR)

No (नं०) 28040278

to take up the investigation (को जांच अपने शस में लेने के लिए निर्देश दिया गया) OR (या)

(iii) Refused investigation due to (कारण के लिए)

OR (के कारण इनकार किया गया)

(iv) Transferred to P-5 (name) (नाम)

District (ज़िला)

on (प्राप्ति के लिए) (को प्रेषित किया गया) (कारण प्रदान किया गया)

FIR read over to the complainant/informant admitted to be correctly recorded and a copy given to the complainant/informant free of cost. (शिकायतकर्ता/ सूचनाकर्ता को प्रतिलिपि भेज कर सुवाई मपी सही दर्ज हुई माना और एक कॉपी निशुल्क शिकायतकर्ता को दी गयी।)

N.O.A.C (आर.ओ.सी.)

r.c.v

CHARGE SHEET

P. O. (ARTICLE)

Page No.

Page No.

Date

14. Signature / Thumb impression
of the Complainant / Informant
(Signature / गुप्तचर/अज्ञात / गुप्तचर/अज्ञात)

Signature of Officer

Name (NR) SATYA DEV

Rank (NR) ASST. SI (ASSISTANT SUBINSPECTOR)

No. (NR) 3560/21

15. Date and Time of despatch to the court
(दिनांक व समय कोर्ट में प्रेषण के लिए)

T.C.V

ANNEXURE-A-2

25

-1-

**IN THE COURT OF ANUBHAV JAIN, MM-05/ DUTY MM, SHAHDARA
DISTRICT, KARKARDOOMA COURT, NEW DELHI**

State v. Gulfisha Fatima
FIR No. 48/20
u/s 147/186/188/283/353/109/34 IPC
PS: Jafrabad

03.05.2020

Present order shall dispose off the bail application of accused
Gulfisha Fatima d/o Sh. Tasneef Hussain

At 11:00 am

Present: Counsel for Applicant (through Webex)

None for the state

1. It is stated by the applicant in her application:
 - a. That she is in custody since 09.04.2020.
 - b. That she has been falsely implicated in the present case
 - c. That co-accused Suhail Khan is already granted bail by Ld. Sessions Court on 28.04.2020 and she is entitled to bail on ground of parity.
 - d. That all sections except Sec. 353 IPC are bailable.
 - e. That accused is entitled for bail in terms of order passed by Hon'ble Apex Court in suo moto writ no. 1/2020 wherein Apex Court has directed for de congestion of bail.
 - f. That accused is subjected to harassment in jail premises.
 - g. That there is possibility that accused might contract with Covid in Jail.
 - h. That accused is not required for any custodial interrogation It is stated that accused is falsely implicated in the present case. It is further stated that accused is not required for custodial interrogation and that accused may be released on bail.
2. In reply thereof, it is stated by the IO that accused was involved in anti CAA and NRC protest and on 22.02.2020 accused alongwith several

T.C.

-2-

other person sat down on the Western Side of the main road No. 66, Metro Station, Jafrabad due to which traffic moment was completely jammed. It is further stated that despite request of police officials the road was not vacated. It is further stated that accused is also involved in case FIR No. 59/2020 for the offence punishable u/s 13/16/17/18 UA(P)Act, 120Br/w302/307/353/186/212/395/427/435/436/452/454/109/ 114/147/148/124A/ 153A, u/s 3 & 4 PDPP Act and u/s 25/27 Arms Act and crime branch is still investigating the matter. Bail application is further opposed by the IO on following grounds:

- a) Investigation of the case is at initial stage.
 - b) Her conduct is attributable to Anti-National Activity
 - c) Accused if released on bail may threaten the witnesses.
 - d) Accused might jump bail.
 - e) Co-accused are yet to be arrested.
 - f) Granting of bail may send wrong message to the society.
3. It is argued by counsel for the accused bail has been sought on the ground of parity as other co-accused in the present FIR has already been granted bail. It is further argued that FIR so stated by the IO in the reply, is a separate matter and same cannot be looked into at this stage.
4. Heard the arguments through VC and perused the record received through E-mail.
5. As per the allegations levelled in the FIR, accused alongwith several other persons was involved in anti CAA and NRC protest in Jafrabad. Further accused, despite request from police officials did not vacate the area which further resulted into traffic jam and public inconvenience.

As per the report of IO accused was involved in anti national activities and is also involved in case FIR No. 59/2020 for the offence punishable u/s 13/16/17/18UA(P)Act, 120(B) IPC r/w 302/307/ 353/ 186/

P.C.B.

-3-

212/ 395/ 427/435/ 436/452/ 454/ 109/ 114/ 147/148/124A/153A, u/s 3 & 4 PDPP Act and u/s 25/27 Arms Act. Allegations against the accused herein are serious in nature. Further as per the IO co-accused are yet to be apprehended. This court is further of the view that if applicant/ accused is released on bail at this stage, possibility of similar incidences cannot be ruled out. I may also refer to the observations made in **Siddharam Satlingappa Mhetre v. State of Maharashtra[(2011) 1 SCC 694 : (2011) 1 SCC (Cri) 514]**

“84. Just as liberty is precious to an individual, so is the society's interest in maintenance of peace, law and order. Both are equally important.”

6. With regard to arguments that accused is entitled to bail on the ground of parity, it is pertinent to state in here that role of every accused has to be seen independently in an offence. Applicant herein is accused in FIR No. 59/2020 for the offence punishable u/s 13/16/17/18UA(P) Act r/w 120(B) IPC 302/ 307/ 353/ 186/212/ 395/427/ 435/436/ 452/454/ 109/114/ 147/148/ 124A/153A, u/s 3 & 4 PDPP Act and u/s 25/27 Arms Act. Considering the abovesaid facts and circumstances, I am not inclined to grant bail to the accused Gulfisha at this stage. In view of the same, bail application stands dismissed. Application disposed off accordingly.

7. Copy of order be send to computer branch for uploading the same on website. Copy of order be also send to A.O. (Judicial), who shall send the same to parties in terms of office order no. 2204-2221/D&SJ SHD/KKD/Delhi dated 20.04.2020 of the Ld. D&SJ, SHD, Karkardooma Courts, Delhi. Copy of order be also send to Jail Supt. Concerned.

**ANUBHAV
JAIN**

Digitally signed by
ANUBHAV JAIN
Location: Shahdara
District, Karkardooma
Courts, Delhi
Date: 2020.05.03
16:33:59 +0530

(Anubhav Jain)
Duty Metropolitan Magistrate
Shahdara District, KKD Courts, Delhi
03.05.2020

T.C.V.

ANNEXURE-A-3 28

Serial No:
Bail Application NO.
State Vs. Gulfisha Fatima
FIR No. 48/20
PS Jafrabad
U/s 147/186/188/283/353/109/34 IPC
13.05.2020

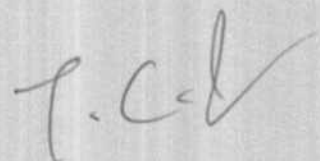
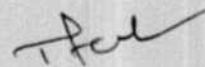
Present: Sh. Kamal Akhtar, Ld. Addl. PP for the State.
Sh. Mehmood Pracha, Ld. counsel for the
applicant/accused through Webex Video
Conferencing.
Deputed IO SI Devender Singh

Reply to the bail application has been filed.

Applicant/accused is alleged to have participated
in a protest against CAA and NRC. On secret information, the
applicant/accused was arrested on 09.04.2020.

Ld. Addl. PP for the State has opposed the bail
application on the ground that offences are serious in nature
and the applicant/accused is involved in another serious case
bearing FIR No. 59/2020 PS Crime Branch.

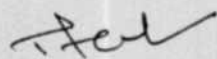
Ld. counsel for the applicant/accused has stated
that only offence that is non-bailable is Section 353 IPC.
Moreover, one co-accused Sohail Khan has already been
admitted on bail vide order dated 28.04.2020 of Duty Judge.



- : 2 : -

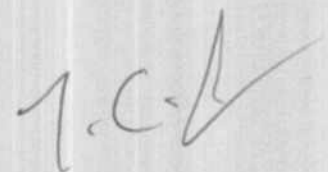
Id. counsel for the applicant/accused has further submitted that two other co-accused have also been granted regular bail. The said submission has been verified by the IO.

Considering the parity required in the present circumstances, the applicant/accused is admitted on bail upon furnishing personal bond (with her phone number and that of her parents) in the sum of Rs.20,000/- to the satisfaction of Jail Superintendent subject to the condition that applicant/accused shall participate in the investigation and shall regularly appear before the court as and when required to do so. It is further directed that as and when court starts regular functioning, the applicant/accused shall produce surety of the like amount within 7 days.



(NAVEEN GUPTA)

ASJ-05(Shahdara)/KKD/13.05.2020



HIGH COURT OF DELHI: NEW DELHI

No.373/Estt/E-I/DHC

Dated: 23.03.2020

OFFICE ORDER

SUBJECT: 'LOCKDOWN/SUSPENSION OF WORK' OF DELHI HIGH COURT & COURTS SUBORDINATE THERETO FROM 23.03.2020 TO 04.04.2020

Having considered the steps already taken by this Court to combat the impending threat of coronavirus (2019-nCoV) and considering the prevalent situation, particularly in view of the lockdown declared by the Government in the National Capital Territory of Delhi upto 31.03.2020 and in view of request of Bar Associations for complete closure of the Courts, in supersession of earlier notifications in this regard, the Administrative and General Supervision Committee of this Court has resolved as under:-

- i. The functioning of this Court as well the Courts subordinate thereto is hereby suspended till 04.04.2020.
- ii. In case of any fresh matter of extreme urgency, the Registrar/Joint Registrar (Filing) and Registrar/Joint Registrar (Original) of this Court be contacted telephonically. Hearing of such matter would be through video conference.
- iii. As regards the Courts subordinate to the High Court, the following directions are issued, which shall come into effect immediately:
 - (a) The respective District and Sessions Judges shall prepare a roster of Judicial Officers for dealing with remand related to fresh arrests. For fresh matters of extreme urgency, one Administrative Officer (Judicial) be nominated in each District who can be contacted telephonically by the Advocate/party. Necessary directions be issued and uploaded on the website by the concerned District & Sessions Judges.
 - (b) The matters which are already fixed upto 04.04.2020, be adjourned *en-bloc* to subsequent dates and the information in this regard be uploaded on the website of the District and entered into CIS so that auto generated messages are received by all concerned.
 - (c) The concerned District and Sessions Judges shall ensure that in view of the above directions, only those staff officials, who are residing in Delhi and are using own conveyance, are called for handling indispensable services, as aforesaid. However, as already directed, all those staff officials, who are not required to report for duty on any given day, would not leave the station under any circumstance. They would always be available on call and would be deemed to be on duty. In case of any urgency, District and Sessions Judge may call upon them to report back for duty immediately. Record with respect to roster of all such court staff officials shall be maintained by each district.
 - (d) Delhi Judicial Academy shall suspend all its training programmes and court attachments till 04.04.2020.
- iv. 'Lockdown/suspension of work' of Courts shall be treated as "closure" within the meaning of the Explanation appended to Section 4 of the Limitation Act, 1963 and other enabling provisions of the Act and other Statutes, as may be applicable to court proceedings. Thus, limitation for any court proceeding shall not run w.e.f. 23.03.2020 till 04.04.2020 subject to further orders.
- v. All Court rooms and other parts of the court complex (including lawyers chambers) of the High Court and Courts subordinate thereto would remain closed except those which are required to be opened in connection with the directions as given hereinabove.

BY ORDER

Sd/-

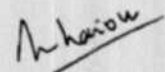
(Manoj Jain)

Endst. No. 7657-89/E-I/Estt./DHC

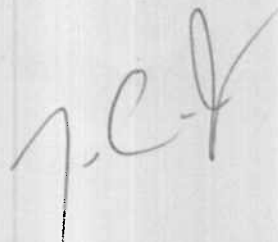
Dated: 23.03.2020

Copy forwarded for information & necessary action to:-

1. The Secretary General, Supreme Court of India, New Delhi
2. The Registrar Generals of all the High Courts in India.
3. The Secretary, Govt. of India, Ministry of Home Affairs, New Delhi
4. The Principal Secretary (Law, Justice & L.A), Govt. of N.C.T. of Delhi
5. The Secretary, Bar Council of India, New Delhi
6. The Secretary, Bar Council of Delhi, New Delhi
7. The Secretary, Supreme Court of India Bar Association, New Delhi
8. The Secretary, Delhi High Court Bar Association, New Delhi
9. All District & Sessions Judges, Delhi.
10. The District & Sessions Judge cum Special Judge (PC Act)(CBI), Rouse Avenue Courts Complex, New Delhi.
11. The Principal Judge, Family Courts (HQ), Dwarka Courts Complex, Dwarka, New Delhi, with the request to circulate the Office Order to all the Principal Judges, Family Courts.
12. The Member Secretary, Delhi Legal Services Authority (DLSA), Patiala House, New Delhi.
13. The Member Secretary, Delhi High Court Legal Services Committee, Delhi High Court, New Delhi.
14. The Commissioner of Police, Delhi Police, Delhi.
15. The Director (Academics), Delhi Judicial Academy, Delhi.
16. The Director of Prosecution, CBI, Block No. 3, IInd Floor, CGO Complex, Lodhi Road, New Delhi.
17. The Director of Prosecution, Directorate of Prosecution, Tis Hazari, Delhi.
18. The Director General Narcotics Control Bureau, West Block, I Wing-5, Sector-7, R.K. Puram, New Delhi.
19. The Superintendent Jail, Tihar/Rohini/Mandoli, Delhi.
20. The Secretary, Delhi Bar Association, Tis Hazari, Delhi
21. The Secretary, Bar Association, New Delhi Courts, Patiala House, New Delhi
22. The Secretary, Bar Association, Karkardooma Courts, Shahdara, Delhi
23. The Secretary, Bar Association, Rohini Courts, Rohini, Delhi
24. The Secretary, Bar Association, Dwarka Courts, Dwarka, New Delhi
25. The Secretary, Bar Association, Saket Courts, Saket, New Delhi.
26. Joint Registrar-cum- Secretary to Hon'ble the Chief Justice/ All Registrars/OSDs/Coordinator (DIAC).
27. All Joint Registrars/Deputy Registrars/Assistant Registrars/Deputy Controller of Accounts/ Assistant Registrar (Library)/Joint Director (IT).
28. The Deputy Registrar-cum-P.A. to Registrar General.
29. Private Secretaries to all Hon'ble Judges.
30. All Admn. Officers (Judicial) / Court Masters/ Branch In-charge/Librarian.
31. P.A. to Registrar (IT) with the request to arrange to upload the Office Order on the website of this Court.
32. Copy to be displayed on the Notice Board.
33. Guard file.



(Vandana Kairon)
Joint Registrar (Estt.-I)



HIGH COURT OF DELHI, NEW DELHI.

No. 159/RG/DHC/2020

Dated : 25.03.2020

OFFICE ORDER

In continuance of the Office Order No.373/Estt/E-I/DHC dated 23.03.2020 of this court and taking note of the Order No. 40-3/2020-DM-1(A) dated 24.03.2020 of Government of India, whereby a nationwide lockdown has been declared for a period of 21 days w.e.f. 25.03.2020, the functioning of the courts subordinate to this court shall now remain suspended till 15.04.2020.

It is further directed that the respective District and Sessions Judges may also permit judges and other staff officials to work from home, wherever possible.

By Order

sd/-

(Manoj Jain)

Registrar General

Endst. No. 160-193/RG/DHC/2020

Dated 25.03.2020

Copy forwarded for information & necessary action to:

1. District & Sessions Judge (HQs), Tis Hazari Courts, Delhi.
2. The District & Sessions Judge cum Special Judge (PC Act) (CBI), Rouse Avenue Courts Complex, New Delhi.
3. District & Sessions Judge (South), Saket Court, Delhi.
4. District & Sessions Judge (East), Karkardooma Courts, Delhi
5. District & Sessions Judge (South-West), Dwarka Courts, Delhi.
6. District & Sessions Judge (Shahdara), Karkardooma Courts, Delhi.
7. District & Sessions Judge (North-West), Rohini Courts, Delhi.
8. District & Sessions Judge (South-East), Saket Courts, Delhi.
9. District & Sessions Judge (West), Tis Hazari Courts, Delhi.
10. District & Sessions Judge (New Delhi), Patiala House Courts, Delhi,
11. District & Sessions Judge (North), Rohini Courts, Delhi.
12. District & Sessions Judge (North-East), Karkardooma Courts, Delhi
13. The Principal Judge, Family Courts (HQ), Dwarka Courts Complex, Dwarka, New Delhi, with the request to circulate the Office Order to all the Principal Judges, Family Courts.
14. The Director (Academics), Delhi Judicial Academy, Delhi.
15. The Principal Secretary (Law, Justice & L.A), Govt. of N.C.T. of Delhi
16. The Secretary, Bar Council of India, New Delhi
17. The Secretary, Bar Council of Delhi, New Delhi
18. The Secretary, Supreme Court of India Bar Association, New Delhi
19. The Secretary, Delhi High Court Bar Association, New Delhi
20. The Member Secretary, Delhi Legal Services Authority (DLSA), Patiala House, New Delhi.
21. The Member Secretary, Delhi High Court Legal Services Committee, New Delhi.
22. The Commissioner of Police, Delhi Police, Delhi.
23. The Director of Prosecution, CBI, Block No.3, IIInd Floor, CGO Complex, Lodhi Road, New Delhi.
24. The Director of Prosecution, Directorate of Prosecution, Tis Hazari, Delhi.
25. The Director General Narcotics Control Bureau, West Block, I Wing-5, Sector-7, R.K. Puram, New Delhi.
26. The Superintendent Jail, Tihar/Rohini/Mandoli, Delhi.
27. The Secretary, Delhi Bar Association, Tis Hazari, Delhi
28. The Secretary, Bar Association, New Delhi Courts, Patiala House, New Delhi
29. The Secretary, Bar Association, Karkardooma Courts, Shahdara, Delhi
30. The Secretary, Bar Association, Rohini Courts, Rohini, Delhi
31. The Secretary, Bar Association, Dwarka Courts, Dwarka, New Delhi
32. The Secretary, Bar Association, Saket Courts, Saket, New Delhi.
33. P.A to Registrar (IT) to arrange to upload the office order on the website of this court.
34. Guard file.

HIGH COURT OF DELHI: NEW DELHI

No.R-77/RG/DHC/2020
Dated:15.04.2020

OFFICE ORDER

SUBJECT: SUSPENSION OF FUNCTIONING OF COURTS SUBORDINATE TO DELHI HIGH COURT TILL 03.05.2020

Pursuant to Order No.40-3/2020-DM-1(A) dated 14.04.2020 issued by the Government of India regarding continuance of lockdown upto 03.05.2020 and in continuation of this Court's Office orders No.373/Estt./E1/DHC dated 23.03.2020 and No.159/RG/DHC/2020 dated 25.03.2020, Hon'ble the Administrative and General Supervision Committee of this Court has been pleased to order that the functioning of the Courts subordinate to Delhi High Court shall continue to remain suspended till 03.05.2020 on same terms.

It is further ordered that the matters listed between 16.04.2020 and 02.05.2020 in the subordinate courts be also adjourned *en bloc* and information in this regard be uploaded on District Court website. The District and Sessions Judges concerned, as already directed, may permit the Judges and other staff officials to work from home, wherever possible. All hearings be done preferably through video-conferencing which would automatically result in decongestion in court complexes. All the District and Sessions Judges shall ensure that Video-conferencing is done through 'Cisco WebEx'. Online training about the manner of use of said software be given to all the Judicial officers and court-staff through Centralized Computer Committee. Such Centralized Computer Committee would, from time to time, seek necessary instructions from IT Committee of this Court on the aspect of VC Hearing and would also ensure that there is complete uniformity amongst all Districts in this regard. Each District and Sessions Judge would be at liberty to i) take appropriate steps to personally ensure that the mechanism of mentioning of urgent matters in the concerned District is quick and efficient and ii) depute judicial officers for hearing the matters, related to bail and urgent civil/injunction cases, corresponding to the need and requirement of the concerned District. For any hearing taking place within the court complex, it be ensured that the norm of social distancing is scrupulously adhered to.

Notice to the above effect shall be uploaded on the website so that no litigant or advocate is inconvenienced.

By Order

Sd/-
(Manoj Jain)
Registrar General

Endst. No.R-78-110/RG/DHC/2020

Dated: 15.04.2020

Copy forwarded for information & necessary action, if any, to:-

1. The Secretary General, Supreme Court of India, New Delhi
2. The Registrar Generals of all the High Courts in India.
3. The Secretary, Govt. of India, Ministry of Home Affairs, New Delhi
4. The Principal Secretary (Law, Justice & L.A), Govt. of N.C.T. of Delhi
5. The Secretary, Bar Council of India, New Delhi
6. The Secretary, Bar Council of Delhi, New Delhi

HIGH COURT OF DELHI: NEW DELHI

No. R-159/RG/DHC/2020

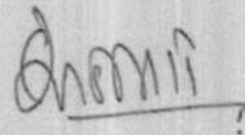
Dated: 02.05.2020

OFFICE ORDER**SUBJECT: EXTENSION OF SUSPENDED FUNCTIONING OF COURTS SUBORDINATE TO DELHI HIGH COURT TILL 17.05.2020**

Pursuant to Order No.40-3/2020-DM-1(A) dated 01.05.2020 issued by the Government of India regarding continuance of lockdown upto 17.05.2020 and in continuation of this Court's Office orders No.373/Estt./E1/DHC dated 23.03.2020, No.159/RG/DHC/2020 dated 25.03.2020 and No.R-77/RG/DHC/2020 dated 15.04.2020, Hon'ble the Administrative and General Supervision Committee of this Court has been pleased to order that the functioning of the Courts subordinate to Delhi High Court shall continue to remain suspended till 17.05.2020 on same terms.

It is further ordered that the matters listed between 04.05.2020 and 16.05.2020 in the subordinate courts would be adjourned *en bloc* and information in this regard be uploaded on District Court website. The other directions contained in this Court's Office Order No. R-77/RG/DHC/2020 dated 15.04.2020 and in subsequent letters No. R-123/RG/DHC/2020 and R-124/RG/DHC/2020 dated 30.04.2020 be also duly complied with by the District Courts.

Notice to the above effect shall be uploaded on the website so that no litigant or advocate is inconvenienced.

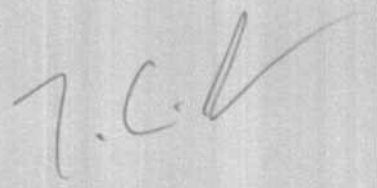
By Order

(Manoj Jain)**Registrar General**

Endst. No. R- 160 to R-192/RG/DHC/2020

Dated: 02.05.2020

Copy forwarded for information & necessary action, if any, to:-

1. The Secretary General, Supreme Court of India, New Delhi
2. The Registrar Generals of all the High Courts in India.
3. The Secretary, Govt. of India, Ministry of Home Affairs, New Delhi
4. The Principal Secretary (Law, Justice & L.A), Govt. of N.C.T. of Delhi
5. The Secretary, Bar Council of India, New Delhi
6. The Secretary, Bar Council of Delhi, New Delhi



IN THE HIGH COURT OF DELHI AT NEW DELHI

Criminal Miscellaneous Application No. ____ of 2020

IN

WRIT PETITION (CRIMINAL) NO. OF 2020**IN THE MATTER OF:****AQIL HUSSAIN**

...PETITIONER

VERSUS

STATE OF N.C.T. OF DELHI & ORS ...RESPONDENTS

**APPLICATION UNDER SECTION 482 OF THE CODE
OF CRIMINAL PROCEDURE SEEKING EXEMPTION
FROM FILING CERTIFIED, FAIR, TYPED,
TRANSLATED COPIES OF ANNEXURES**

MOST RESPECTFULLY SHEWETH:

1. The Applicant/Petitioner has filed the accompanying Writ Petition seeking issuance of a writ of *Habeas Corpus* for his sister, who is in the unlawful custody of the Respondents. The contents of the Writ Petition may kindly be read as part of the present application for the sake of brevity.
2. Due to the circumstances detailed in the accompanying Writ Petition and further due to the paucity of time and urgent nature of the relief sought in the petition, the Applicant/Petitioner has been unable to procure/arrange the certified, fair, typed, and translated copies of annexures. The Applicant/Petitioner undertakes that the certified, fair, typed, and translated copies of annexures

will be filed as soon as the normal functioning of services resumes and/or when this Hon'ble Court orders for the same to be produced/filed.

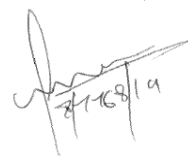
3. That the present application is being moved *bonafide* and in the interest of justice.

PRAYER

It is therefore most humbly prayed that this Hon'ble Court may be pleased to:

- a. Allow the present application and exempt the Applicant from filing fair, typed, certified, and translated copies of annexures; and/or
- b. Pass any other order deemed fit and necessary in the facts and circumstances of the present case.

FILED BY :-



**MEHMOOD PRACHA
JATIN BHATT
ADVOCATES**

[Redacted signature block]

PLACE: NEW DELHI
DATED: 14.05.2020

IN THE HIGH COURT OF DELHI AT NEW DELHI

Crl. M.A. No. ____ of 2020

In

WRIT PETITION (WRIT) NO. _____ OF 2020**IN THE MATTER OF:**

AQIL HUSSAIN

...PETITIONERS

VERSUS

STATE OF N.C.T. OF DELHI & ORS.

...RESPONDENTS

AFFIDAVIT

I, Aqil Hussain, s/o Taneef Hussain, aged about 25 years, R/o C-927, Street No. 5 Chauhan Bangar, New Seelampur, Delhi 110053, do hereby solemnly affirm and state on oath as follows:-

1. That I am Petitioner in the above noted case and being fully conversant with the facts of the case, am able to swear this affidavit before this Hon'ble Court.
2. That the accompanying Application has been drafted by my counsel under my instructions and the same has been read over to me in my vernacular and the contents of the same are true and correct and the same are not repeated herein for the sake of brevity.

Aqil Hussain

DEPONENT**VERIFICATION:**

Verified at Delhi on this 14th day of May 2020 that the contents of present affidavit are true and correct to my knowledge and no part of it is incorrect and nothing material has been concealed by me.

Aqil Hussain

DEPONENT

IN THE HIGH COURT OF DELHI AT NEW DELHI

Criminal Miscellaneous Application No. ____ of 2020

IN

WRIT PETITION (CRIMINAL) NO. OF 2020**IN THE MATTER OF:****AQIL HUSSAIN**

...PETITIONER

VERSUS

STATE OF N.C.T. OF DELHI & ORS ...RESPONDENTS**APPLICATION UNDER SECTION 482 OF THE CODE
OF CRIMINAL PROCEDURE SEEKING EXEMPTION
FROM FILING NOTARIZED/ATTESTED AFFIDAVITS****MOST RESPECTFULLY SHEWETH:**

1. The Applicant/Petitioner has filed the accompanying Writ Petition seeking issuance of a writ of *Habeas Corpus* for his sister, who is in the unlawful custody of the Respondents. The contents of the Writ Petition may kindly be read as part of the present application for the sake of brevity.
2. Due to the circumstances detailed in the accompanying Writ Petition the Applicant/Petitioner has been unable to get the affidavits filed in support of the accompanying writ petition attested/notarized by a registered notary in Delhi. The Applicant/Petitioner undertakes to file duly attested/notarized affidavits filed in support of the accompanying writ petitions as

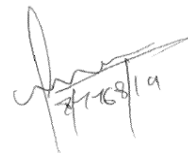
soon as the current restrictions imposed due to COVID-19 are relaxed. Hence the Present Application.

PRAYER

It is therefore most humbly prayed that this Hon'ble Court may be pleased to:

- a. Allow the present application and permit the accompanying writ petition to be entertained by this Hon'ble Court with the affidavits which have not been attested/notarized; and
- b. Pass any other order deemed fit and necessary in the facts and circumstances of the present case.

FILED BY :-



MEHMOOD PRACHA
JATIN BHATT
ADVOCATES
COUNSEL FOR APPLICANTS
C-66, SECOND FLOOR,
NIZAMUDDIN EAST,
NEW DELHI-110013
PH. NO.704 257 6236
EMAIL: mp@legalaxis.net

PLACE: NEW DELHI
DATED: 14.05.2020

IN THE HIGH COURT OF DELHI AT NEW DELHI

Crl. M.A. No. ____ of 2020

In

WRIT PETITION (WRIT) NO. _____ OF 2020**IN THE MATTER OF:**

AQIL HUSSAIN

...PETITIONERS

VERSUS

STATE OF N.C.T. OF DELHI & ORS.

...RESPONDENTS

AFFIDAVIT

I, Aqil Hussain, s/o Taneef Hussain, aged about 25 years, R/o C-927, Street No. 5 Chauhan Bangar, New Seelampur, Delhi 110053, do hereby solemnly affirm and state on oath as follows:-

1. That I am Petitioner in the above noted case and being fully conversant with the facts of the case, am able to swear this affidavit before this Hon'ble Court.
2. That the accompanying Application has been drafted by my counsel under my instructions and the same has been read over to me in my vernacular and the contents of the same are true and correct and the same are not repeated herein for the sake of brevity.

**DEPONENT****VERIFICATION:**

Verified at Delhi on this 14th day of May 2020 that the contents of present affidavit are true and correct to my knowledge and no part of it is incorrect and nothing material has been concealed by me.

**DEPONENT**

IN THE COURT OF

High COURT of DELHI at New DELHI
W.P.(CRL) NO...../2020

DELHI.

FIR NO.
P.S.
U/S

IN THE MATTER OF:-

AQIL HUSSAIN

VERSUS

CONCT D & DRS.

KNOW ALL to whom these present shall come that I, AQIL HUSSAIN S/o TANVEEF HUSSAIN
R/o C-297, St. No. 6, Chauhan Bangar, N. SEELMAUR the above named
Perokar/ of Accused do hereby appoint:-
PETITIONER

[M/S LEGAL AXIS]

ATTORNEYS & SOLICITORS

C-66, SECOND FLOOR, NIZAMUDDIN EAST, NEW DELHI-110013.

PHONE NO.011-41404040; E-MAIL-mp@legalaxis.net

MEHMOOD PRACHA
Enrl.No.D/702/88MOHD. DANISH
Enrl. No.D/3120/16SANAWAR
Enrl. No.UP/07540/15YASHOVARDHAN OZA
Enrl.No.D/795/17VIDUSHI BAJPAI
Enrl. No.D/7310/17JATIN BHATT
Enrl.No.D/7768/19

(hereinafter called Advocate/s) to be my/our Advocate/s in the above noted case & authorize them:-

To act, appear and plead in the above-noted case in this Court or in any other Court in which the same may be tried or heard and also in the appellate Court including High Court subject to payment of fees separately for each Court by me/ us.

To sign, file verify and present pleadings, appeals cross objections or petitions for execution review, revision, withdrawal, compromise or other petitions or affidavits or other documents as may be deemed necessary or proper for the prosecution of the said case in all its stages.

To file and take back documents & to admit and/or deny the documents of opposite party.

To withdraw or compromise the said case or submit to arbitration any differences or disputes that may arise touching or in any manner relating to the said case.

To take execution proceedings.

To deposit, draw and receive money, cheques, cash and grant receipts thereof and to do all other acts and things which may be necessary to be done for the progress and in the course of the prosecution of the said case.

To appoint and instruct any other Legal Practitioner, authorizing him to exercise the power and authority hereby conferred upon the Advocate whenever he may think it to do so and to sign the Power of Attorney on my/our behalf.

And I/We the undersigned do hereby agree to ratify and confirm all acts done by the Advocate or his substitute in the matter as my/our own acts, as if done by me/us to all intents and purposes.

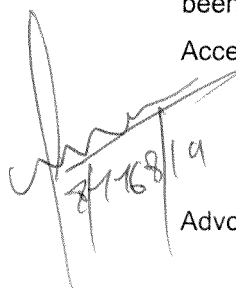
And I/We undertake that I/we or my/our duly authorized agent would appear in the Court on all hearings and will inform the Advocates for appearance when the case is called.

And I/We the undersigned do hereby agree not to hold the advocate or his substitute responsible for the result of the said case. The adjournment costs whenever ordered by the Court shall be of the Advocate which he shall receive and retain himself.

And I /we the undersigned do hereby agree that in the event of the whole or part of the fee agreed by me/us to be paid to the Advocate remaining unpaid he shall be entitled to withdraw from the prosecution of the said case until the same is paid up. The fee settled is only for the above case and above Court. I/We hereby agree that once the fee is paid, I/we will not be entitled for the refund of the same in any case whatsoever. If the case lasts for more than three years, the advocate shall be entitled for additional fee equivalent to half of the agreed fee for every addition three years or part thereof.

IN WITNESS WHEREOF I/We do hereunto set my/our hand to these presents the contents of which have been understood by me/us on this 14th day of MAY, 2020.

Accepted subject to the terms of fees.


21/6/19
Advocate/s


Awil Hussain

Client