

श्री उद्भव कुमार जैन
Sh. UDBHAV KUMAR JAIN
महानगर दण्डाधिकारी (एन.आई.एक्ट)-04
Metropolitan Magistrate (NI Act)-04
कमरा नं. 31
Room No.31
लॉकअप भवन, पटियाला हाऊस न्यायालय
Lockup Building, Patiala House Courts
नई दिल्ली
New Delhi

FIR NO. 212/2020

PS Special Cell

U/s 182/193/420/468/471/472/473/120 B IPC

27.12.2020

Present: Ld. APP for the state.

Sh. Mehmood Pracha, applicant in person.

IO/SI Rakesh Kumar with case file alongwith Insp. Rajeev Kumar & Insp. Vikram Dahiya.

Ct. Raghunandan, from Malkhana PS Special Cell, Lodhi Colony.

The applicant at the very outset has raised objections as to the appearance of IO and other officers and has stated that they are not present in proper uniform. It has been apprised however, from the IO Insp. Rajiv Kumar, that being a member of Special Cell he is exempted from such appearance. Nevertheless, this court considers this objection as a trifling issue and requires no order so far as the appearance of the officers is concerned.

As far as application u/s 165 (5) Cr.PC is concerned, on perusal of file it is seen that report on execution of search warrant dated 22.12.2020 was filed on 26.12.2020. Same is supplied to the applicant today itself and hence, the application u/s 165 (5) Cr.PC is allowed to that extent.

The IO has appeared before the court with seized case property including video footage of search. It has been apprised that the same was handed over to the Malkhana department. At this stage, Ct. Raghunandan from Malakhana, PS Special Cell Lodhi Colony has apprised that the said video footage has been received and the details thereto are maintained in a register which is numbered as 19 as per rules. It is also apprised that no receiving is given to the concerned IO after handing over the material as per rules. No such entry is available today. As of now,

no hashvalue is there of the said video footage as Ld. APP for the state has stated that the hashvalue is generated by the FSL department.



The applicant raises query as to the duration of video footage and has also requested for supply of the video footage to him. It is imperative to note that the video footage, which is the bone of contention, was recorded to ensure fairness while the search was being made as per the order dated 22.12.2020 passed by the Ld. CMM,PHC,ND. At this stage, only directions for preserving the video footage is deemed necessary. The concerned court can take a call on supplying the video footage to the applicant at an appropriate stage.

Let the entire video footage of the search be preserved with the seal of this court and be placed before the concerned court for orders accordingly.

As per the order dated 26.12.2020 application u/s 310 CrPC filed on behalf of the IO is supplied to Sh. Mehmood Pracha today itself and he seeks time to file reply to said application. The date is already fixed for hearing arguments on said application for 05.01.2021 before the concerned court. Let the reply be filed on or before NDOH.

Put up for before the concerned court on 05.01.2021.

Copy of the order be given dasti.



Self
Metropolitan Magistrate-04 (NI Act)
Palika House Courts, New Delhi
(Uday Kumar Jain)
Duty MM/PHC/NDD/27.12.2020