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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CRL.M.C. 6311/2022**

MOHD. ZAKIR

..... Petitioner

Through: Mr. Vijay Sharma, Advocate with Mr.
Nadeem Qureshi, Advocate, Mr. Z.
Babar Chauhan, Advocate and Ms.
Puvali Singh, Advocate.

versus

STATE (NCT OF DELHI)

..... Respondent

Through: Mr. Rajat Nair, SPP for the State with
Mr. Dhruv Pande, Advocate with
Inspector Pawan Kumar, Crime
Branch.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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28.11.2022

Crl. M.A. No.24721/2022 (exemption)

Exemption allowed, subject to just exceptions.

Let requisite compliances be made within 01 week.

Application stands disposed of.

Crl. M.C. 6311/2022

By way of the present petition under Article 227 of the Constitution of India read with section 482 of the Code of Criminal Procedure 1973 ('Cr.P.C.'), the petitioner impugns order dated 09.10.2022 made by learned CMM, North East, Karkardooma Courts, Delhi and subsequent order dated 01.10.2022 made by learned ASJ, North East District, Karkardooma Courts, Delhi in Crl. Rev. Petition No. 128/2022.



2. Mr. Vijay Sharma, learned counsel for the petitioner submits that the petitioner's name did not appear in the subject FIR but the petitioner has now been sought to be implicated in the case on the basis of an allegation in disclosure statement dated 04.09.2020, whereby a certain name has been reflected in supplementary chargesheet dated 15.09.2022. Counsel submits that the name so disclosed is of one *Kari Zakir*; and neither the name nor the address based on which the Investigating Officer has sought to implicate the petitioner belongs to the petitioner - whose name is *Mohd. Zakir* son of Sh. Ramjani Khan. Counsel submits that proceedings before the learned CMM have all been conducted in the name and address which does not belong to the petitioner; and yet, now the I.O. is looking for the petitioner and proceedings under sections 82/83 Cr.P.C. have also been taken-out against the petitioner, who has since been declared Proclaimed Offender.
3. Issue notice.
4. Learned SPP appearing on behalf of the State on advance copy, accepts notice; and seeks time to file reply.
5. Let reply be filed within 04 week; rejoinder thereto, if any, be filed within 03 weeks thereafter; with copies to opposing counsel.
6. Re-notify on 23rd January 2023.

ANUP JAIRAM BHAMBHANI, J

NOVEMBER 28, 2022/Ne