



2nd LLOYD TRIAL ADVOCACY COMPETITION
[2019 - 20]



**IN THE COURT OF DISTRICT AND SESSIONS JUDGE
PATEL NAGAR COURTS, WEST DELHI**

Cr. Appl. 38 of 2019

Date: 12.10.2019

In the matter of:

Ajay & Anr.

.....Applicants

v.

State (N.C.T. of Delhi)

.....Respondent

Coram: Sh. Rupesh Singh, Sessions Judge

Present: Tanya Kapoor, Ld. Public Prosecutor for the State
Nutan Shakya, Ld. Counsel for the applicants
Investigating Officer

Heard the Ld. Counsel for the applicants appearing on behalf of both the accused Ajay and Rohit and Ld. Public Prosecutor Ms. Tanya appearing on behalf of the State. The Counsel for applicants submits that Ajay and Rohit are serving in Indian Army. They have been charged in F.I.R No. 162/2019 under sections 364A/387/120B I.P.C. and 25/54/59 of Arms Act, 1959. This court is of the opinion since both the accused are subject to Army Act, 1950, this court doesn't have exclusive jurisdiction to try and enquire this case. Keeping in mind that the accused are in Judicial Custody and police hasn't asked for the police custody, there is no ground of keeping them behind the bar. The accused are granted bail on a condition that they are serving in Indian Army and this fact should be verified by the police failing which the practising licence of the applicant Counsel Ms. Nutan Shakya will be put on hold. The documents supplied by the applicant counsel is taken on record and this court directs that the same document should be supplied to Public Prosecutor for further verification. Ld.Counsel for the applicant shall also produce the express authority granted by the Martial Court where it provides the sanction that this court can enquire and try this case.

The force and order is subject to the verification made by the police and further documents submitted by the applicant Counsel to the Magistrate.



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Two days time is granted for the same. Bail granted on a condition that accused person shall not leave the city without the prior permission of this court. Chamber hearing will be done on 14.10.2019 for the final disposal. Copy of this Order should be given in *dasti* to the parties and accused.



(**Sh. Rupesh Singh**)
Sessions Judge
Delhi: 12.10.2019

