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

+ W.P.(CRL) 609/2016

UMAR KHALID

..... Petitioner

Through : Mr.Jawahar Raja, Ms.Kamini Jaiswal,
Ms.Sahana Manjesh and Mr.Gautam
Bhatia, Advocates.

versus

STATE OF NCT OF DELHI THROUGH :

PS VASANT KUNJ (N)

..... Respondent

Through : Mr.Tushar Mehta, ASG, Mr.Sanjay
Jain, ASG, Mr.Chetan Sharma, Senior
Advocate with Mr.Anil Soni, Special
PP, Mr.Shailendra Babbar, Special
PP, Mr.Mukesh Gupta, Mr.Amit
Gupta, Mr.Rishabh Juneja, Mr.Rajat
Nair, Mr.Manan Popli, Mr.Aadit
Khorana, Ms.Ruchi Jain, Mr.Sarfraz
Ahmed, Advocate for Delhi Police.

Mr.Rahul Mehra, Standing Counsel
(Criminal) for the State with
Ms.Richa Kapoor, ASC, Mr.Sanjay
Lao, ASC, Mr.Rajesh Mahajan, ASC
and Mr.Aditya Swarup Aggarwal,
Advocate.

AND

+ W.P.(CRL) 610/2016

ANIRBAN BHATTACHARYA

..... Petitioner

Through : Mr.Trideep Pais and Ms.Vrinda
Bhandari, Advocates.

versus

W.P.(Crl.) no.609 & 610 of 2016

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STATE OF NCT OF DELHI THROUGH :
PS VASANT KUNJ (N)

..... Respondent
Through : Mr.Tushar Mehta, ASG, Mr.Sanjay Jain, ASG, Mr.Chetan Sharma, Senior Advocate with Mr.Anil Soni, Special PP, Mr.Shailendra Babbar, Special PP, Mr.Mukesh Gupta, Mr.Amit Gupta, Mr.Rishabh Juneja, Mr.Rajat Nair, Mr.Manan Popli, Mr.Aadit Khorana, Ms.Ruchi Jain, Mr.Sarfraz Ahmed, Advocate for Delhi Police.

Mr.Rahul Mehra, Standing Counsel (Criminal) for the State with Ms.Richa Kapoor, ASC, Mr.Sanjay Lao, ASC, Mr.Rajesh Mahajan, ASC and Mr.Aditya Swarup Aggarwal, Advocate.

CORAM:
HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER
29.02.2016

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Crl.M.A.No.3327 & 3328 of 2016 in W.P.(Crl.) No.609/2016
Crl.M.A.No.3329 & 3330 of 2016 in W.P.(Crl.) No.610/2016

1. Exemption allowed, subject to all just exceptions.
2. Applications stand disposed of.

W.P.(Crl.) No.609/2016
W.P.(Crl.) No.610/2016

1. These two writ petitions have been filed by the petitioners namely Umar Khalid and Anirban Bhattacharya with the prayer to allow them to surrender before this Court and also to direct the police to ensure their safety from Jawaharlal Nehru University till the precincts of this Court.

W.P.(Crl.) no.609 & 610 of 2016

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2. On 23rd February, 2016 the matter was taken up at about 4.00 pm on mentioning and it was adjourned for 24th February, 2016.
3. On 24th February, 2016, it was informed to this Court by learned counsel for the petitioners that both the petitioners have surrendered on the night intervening 23rd/24th February, 2016.
4. Since Ms.Kamini Jaiswal, Advocate for petitioner Umar Khalid and Mr.Trideep Pais, Advocate for petitioner Anirban Bhattacharya expressed their concern about the safety of these two petitioners as they were to be produced before the learned Magistrate for remand proceedings within twenty-hours of their arrest, following directions were issued by this Court vide order dated 24th February, 2016 :-

'6. Mr.Tushar Mehta, learned ASG submits that all the efforts shall be made to ensure safety of the petitioners. Mr.Prem Nath, DCP South is present and after some deliberations with the counsel for the petitioners, this Court has been apprised that the place and timing of remand proceedings shall be informed to learned counsel for the petitioners to enable them to be present during remand proceedings. It has also been informed that to ensure safety of the petitioners, they are not likely to be produced at Patiala House Court and a safe venue shall be identified and informed to learned counsel for the petitioners. The date and time for the remand proceedings shall also be communicated to Mr.Trideep Pias, Advocate for petitioner Anirban Bhattacharya, who will co-ordinate with Mr.Jawahar Raja, Advocate for petitioner Umar Khalid.

7. Mr.Trideep Pias, Advocate for petitioner Anirban Bhattacharya and Mr.Jawahar Raja, Advocate for petitioner Umar Khalid submit that when the Court is taking all steps for providing protection to the petitioners, any convenient place found suitable for the remand proceedings may be fixed by Mr.Prem Nath, DCP South and conveyed to enable them to be present during remand proceedings.

(11)

8. *Since the remand proceedings are not likely to be conducted during Court hours at Patiala House Court, the Registrar General of this Court is directed to depute a Metropolitan Magistrate for purpose of conducting remand proceedings. Mr.Prem Nath, DCP South, who is present in the Court, shall co-ordinate with the Registrar General of this Court for the above purpose.*

9. *Mr.Trideep Pias, Advocate for petitioner Anirban Bhattacharya shall be communicated as and when the application is filed and to be heard by the learned Magistrate, as well the place where the same is to be heard. Mr.Trideep Pias, Advocate shall co-ordinate with with Mr.Jawahar Raja, Advocate for petitioner Umar Khalid.*

10. *With a view to avoid any unpleasant incident as well to ensure the safety of the petitioners and that remand proceedings be conducted in accordance with law, all concerned are expected to maintain confidentiality in respect of above.*

11. *Re-notify for 29th February, 2016 at 2.15 pm.'*

5. Today Ms.Kamini Jaiswal, Advocate for the petitioner Umar Khalid and Mr.Trideep Pais, Advocate for the petitioner Anirban Bhattacharya have expressed their appreciation and complete satisfaction about the way the situation has been handled by Mr.Premnath, DCP South. They submit that the directions given by this Court have been complied with by all concerned. All efforts have been made by Mr.Prem Nath, DCP South during remand proceedings to ensure that proceedings are conducted in accordance with law. He ensured safety of both the petitioners while producing before learned Metropolitan Magistrate for remand proceedings.

6. Mr.Premnath, DCP South is present in the Court and submits that the matter has been transferred to Special Cell. Mr.Pramod Kumar Kushwaha,
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DCP Special Cell is present in the Court today and submits that he will also comply with the directions already issued by this Court.

7. It is also informed that on expiry of police remand, the petitioners are to be produced before learned Metropolitan Magistrate tomorrow i.e. on 01st March, 2016. Mr.Pramod Kumar Kushwaha, DCP Special Cell submits that every precaution shall be taken by the Special Cell to ensure compliance of the directions already issued by this Court.

8. In the peculiar circumstances of this case, it is desirable that Mr.Prem Nath, DCP South remain associated with Mr.Pramod Kumar Kushwaha, DCP Special Cell to ensure the safety of both the petitioners till they are remanded to Judicial Custody.

9. Mr.Premnath, DCP South offers full cooperation in this regard.

10. Ms.Kamini Jaiswal, Advocate for the petitioner Umar Khalid and Mr.Trideep Pais, Advocate for the petitioner Anirban Bhattacharya submit that as nothing further survives in these two writ petitions, they may be permitted to withdraw the same.

11. Accordingly, both the writ petitions are dismissed as withdrawn.

As prayed, copy of the order be given dasti to all concerned under the signature of Court Master.


PRATIBHA RANI, J.

FEBRUARY 29, 2016

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