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

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

MOHD. ZAKIR

.....Petitioner

Through: Mr. Pratyaksha Gupta and Mr.
Abhijeet Anand, Advs.

versus

STATE (NCT OF DELHI)

.....Respondent

Through: Mr. Rajat Nair, SPP, Mr. Dhruv
Pande and Mr. Alok Dubey, Advs.
Mr. Rajat Nayar, Adv.

CORAM:

HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

ORDER

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25.07.2025

1. By way of the present petition, the petitioner seeks the following prayers:

“(i) to quash the impugned order dated 09.10.2020, 03.11.2020 & 17.12.2020 passed by Sh. Dinesh Kumar, Ld. CMM, North-East District, Karkardooma Courts, Delhi IN FIR No. 75/2020 U/S 174-AI1881 144/ 147/ 148/ 149/ 153-AI 295-AI 4271 4361 3801 302/2011 120-B/34IPC&25/27 ARMS ACT, P.S. DAYALPUR and;

(ii) As also impugned order dated 01.10.2022 passed by Sh. Pulastya Pramachala, Ld. ASJ, North-East District, Karkardooma Courts, Delhi, in CRL. REV. No. 128/2022 titled as "MOHD. ZAKIR VS. STATE" and subsequent proceedings.”

2. The learned counsel appearing for the petitioner states that vide impugned order dated 09.10.2020, NBWs were issued against the petitioner and thereafter, proceedings under Section 82 of the Criminal Procedure Code, 1973 (hereafter ‘Cr.P.C.’) were initiated vide order dated 03.11.2020. Thereafter, after completion of proceedings, the petitioner was declared as



proclaimed offender *vide* order dated 17.12.2020. The learned counsel states that his name and address were incorrectly mentioned in all the summons, NBWs and the proceedings conducted under Sections 82 & 83 of the Cr.P.C. The learned counsel appearing for the petitioner also submits that the petitioner is ready to appear before the learned Trial Court to face the trial.

3. The learned APP for the State fairly concedes that the name and address of the petitioner in the summons and the NBWs were different as has been mentioned in the Electoral Card issued by the Competent Authority.

4. The Court notes that the application for setting aside the order dated 03.11.2020, *vide* which proceedings under Sections 82 and 83 were ordered to be initiated against the petitioner, was filed by him for the first time on 03.11.2020. The trial therefore before the learned Trial Court was not affected adversely *qua* the other co-accused, who were appearing before the said Trial Court.

5. Considering the overall facts and circumstances of the case, this Court is inclined to set aside the impugned orders dated 09.10.2020, 03.11.2020 and 17.12.2020. However, the petitioner will place on record before the learned Trial Court within seven days, an affidavit along with the documents furnishing his permanent and fresh address.

6. With these directions, the petition stands disposed of.

7. The order be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

JULY 25, 2025/A