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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(CRL) 2195/2020, CRL.M.A. 18056/2020 & CRL.M.A.
18057/2020
KISMATUN Petitioner
Through : Ms.Vrinda Grover with Mr.Soutik
Banerjee, Advocates.
versus
STATE OF NCT OF DELHI THROUGH HOME
DEPARTMENT & ORS. Respondents
Through : Mr.S.V.Raju, ASG with Mr.Amit
Mahajan, SPP with Mr.Amit Prasad,
SPP for State with Insp. Pankaj
Arora, Crime Branch.
ASI Narender, PS Bhajanpura

CORAM:

HON'BLE MR. JUSTICE YOGESH KHANNA

ORDER

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01.02.2021

1. The hearing has been conducted through Video Conferencing.
2. This petition is filed with following prayers :

A. Pass an appropriate writ, order or direction in the nature of Mandamus or any other writ, order or direction constituting a fresh Special Investigation Team comprising senior police officers with a demonstrably unblemished track record and credibility to carry out an independent, impartial, professional and time bound investigation into FIR 75/2020, P.S. Bhajanpura dated 28.02.2020, under the monitoring of this Hon'ble Court: and

B. Pass an appropriate writ, order or direction in the nature of Mandamus or any other writ, order or direction to ensure that investigation into FIR 75/2020, P.S. Bhajanpura dated 28.02.2020, be monitored by this Hon'ble Court by filing of periodic Status Reports before this Hon'ble Court: and

C. Pass an appropriate writ, order or direction in the nature of Mandamus or any other writ, order or direction to Respondent No. 3 directing Respondent No. 3 to file a

detailed affidavit supported by relevant material regarding the functioning of CCTV cameras in Jyoti Nagar P.S. during the month of February 2020, and in particular on 24.02.2020 and 25.02.2020; and

D. Pass an appropriate writ, order or direction in the nature of Mandamus or any other writ, order or direction to Respondent No. 1 directing Respondent No. 1 to file an Action Taken Report regarding the steps taken by Delhi Police in view of the partisan and biased actions and attitudes of displayed by policemen in the viral videos of 24.02.2020; and

E. Pass an appropriate writ, order or direction in the nature of Mandamus or any other writ, order or direction to Respondent No. 1 and 4 to place on record all Service and Conduct Rules, Regulations, Office Orders, Memorandums, etc. which prohibit and penalize discrimination, hate speech and targeted action against religious minorities by policemen on duty; and

3. It is the grievance of the learned counsel for the petitioner despite there being a specific prayer to preserve some documents for safeguarding of evidence, mentioned in para 3 at page 144-145 of the paper book. In the status report no concrete reply qua the same has been furnished and instead it is alleged *all relevant material for the case is preserved*. Let there be an affidavit with regard to the fact as to if the documents as mentioned in sub-para (a) to (c) of para 3 at page 144 of the paper book are preserved or not.

4. Regarding prayer (c) of the main petition with regard to direction to respondent No.3 to file an affidavit supporting all the relevant material regarding functioning of CCTV cameras of Police Station Jyoti Nagar and in particular on 24th, February, 2020 and 25th, February, 2020, let an affidavit be filed qua the functioning of said CCTV cameras along with material evidence qua its non-functioning on specific days or month, be filed before the next date of hearing with an advance

copy to learned counsel for the petitioner.

5. List on 15.03.2021.

YOGESH KHANNA, J.

FEBRUARY 01, 2021

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