

16 MIS CRL 05/2021

CNR Number: DLNE02-003223-2021

MOHD. SALMAN VS. ANIL BYAJI AND ORS.

PS KHAJURI KHAS

Physical hearing is conducted in terms of Order No.700/RG/DHC/2021 dated 30.09.2021 of Hon'ble High Court of Delhi and in partial modification of this office order No. 5842-5857/Judl./NE/KKD/Delhi 2021 dated 30.09.2021.

04.10.2021

Present: Sh. Jinendra Jain, Ld. SPP for State.

IO Inspector Nitin Pal Singh alongwith SHO PS Khajuri Khas in person.

Applicant/complainant Salman in person alongwith Mr. M.R.Shamshad and Mr. Arjit Sarkar, ld. counsels.

A report purportedly in terms of order dt. 15.09.2021 has been received from DCP (NE). However the same is silent about the status of the investigation being carried out by the IO in the present case. As per the aforesaid report, further investigation in the present case has been entrusted to Inspector Nitin Pal Singh and some more time is required to ensure compliance of the direction for effective investigation. It is further submitted that ACP Khajuri Khas and SHO Khajuri Khas have been directed to complete the investigation in a time bound manner. Since the aforesaid report received from the DCP(NE) does not disclose the exact status of further investigation in the present case, IO is directed to produce the case diary, whereupon the IO has produced the case diary alongwith draft charge-sheet in the present case.

A bare perusal of the draft charge-sheet as well as case diary shows that investigation carried out in the present case is far from the satisfactory in as much as no steps seems to have been taken by the IO

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for collection of CDRs of some of the accused whereas the CDRs of the others have reportedly been collected by him. No plausible explanation has been given by the IO as well as the SHO for non collection of CDRs of all the accused.

Moreover, an application has been moved by applicant/complainant Mohd. Salman seeking some directions to the IO as according to him IO is again and again serving notices to the complainant to supply the documents which have already been supplied by him to the IO on two previous occasions, however, no acknowledgment is being given by the IO upon receipt of the documents. It is submitted by counsel for complainant that complainant was forced to leave the house after the alleged incident of rioting at his residence and had taken shelter at some other place. He submits that IO as well as SHO Khajuri Khas are forcing the complainant to disclose the details of new landlord of the complainant where he has taken shelter after the incident in question, which may lead to the complainant being thrown out from the aforesaid house due to repeated visits by the Police to the aforesaid house.

Upon inquiry, it is submitted by SHO Khajuri Khas and IO that they just want to record the statement of the new landlord of the complainant where complainant had taken the shelter after the incident. However, the court is unable to comprehend the purpose of recording of the said statement, when the aforesaid landlord is not a witness of the alleged incident. Under the aforesaid circumstances, apprehension of

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complainant regarding the alleged harassment by the IO and SHO Khajuri Khas in the name of further investigation, prima facie seems to be real and not illusory. In view of the aforesaid facts and circumstances, I deem it appropriate to call for a comprehensive status report of investigation in the present case under the signatures of Joint Commissioner of Police, Eastern Range. Joint Commissioner of Police, Eastern Range is directed to file comprehensive status report of further investigation in the present case under his signature within a period of 2 weeks from today and shall ensure that investigation in the present case is carried out by the IO in an unbiased manner so as to find out the real culprits in the present case and not to harass the complainant and the witnesses unnecessarily. Moreover, I deem it appropriate to direct DCP (NE) to ensure issuance of proper acknowledgments by the IOs within his jurisdiction with proper name, designation and PIS number at the time of receipt of documents from the parties/witnesses in response to the notices U/s 160/91 Cr.P.C.

Put up for further proceedings on 08.11.2021. Copy of this order be sent to DCP(NE) and Joint Commissioner of Police, Eastern Range through all modes. Copy be also given dasti to IO as well as the complainant . Another copy be uploaded on the CIS server.

(ARUN KUMAR GARG)
Chief Metropolitan Magistrate
NE/KKD/DELHI/04.10.2021