

§-13

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

+

W.P.(CRL) 646/2020

ANSARI MO. ARIF

..... Petitioner

Through: Mr. Jayant Mehta, Ms. Surabhi Dhar, Mr. Burjis Shabir and Ms. Malvika Awasthi, Advocates.

versus

STATE & ORS.

..... Respondents

Through: Mr. Rahul Mehra, Standing Counsel (Criminal) with Mr. Chaitanya Gosain and Mr. Divyank Tyagi, Advocates for State with Insp./SHO Pramod Joshi and SI Dinesh Kumar, PS-Gokul Puri and Insp./SHO Tarkeshwar, PS-Dayal Pur.

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

HON'BLE MR. JUSTICE I.S.MEHTA

ORDER

%

06.03.2020

Pursuant to the directions issued by this Court yesterday i.e. on 5th March, 2020, a status report of even date, authored by the Deputy Commissioner of Police, North-East District, New Delhi has been handed over in Court today and the same is taken on record.

A perusal of the status report reflects that, the body of Mr. Hamza, the hitherto missing person, was recovered by the Delhi Police from a drain at Bhagirathi Vihar, within the jurisdiction of Police Station Gokalpuri on 2nd March, 2020. The Delhi Police registered a case vide FIR No. 94/2020 dated 3rd March, 2020 under Section 365 IPC at Police Station Dayalpur against unknown persons,


Court Master
High Court of Delhi
New Delhi

qua the disappearance of Mr. Hamza. Pursuant upon the recovery of his dead body, a case vide FIR No. 102/2020 dated 3rd March, 2020 under Sections 147/148/149/302/201 IPC, has further been registered against unknown persons at Police Station Gokalpuri, Delhi; and investigation in this behalf is currently underway.

Mr. Rahul Mehra, learned Standing Counsel (Criminal) appearing on behalf of the Delhi Police states that, the post-mortem on the body of Mr. Hamza, is scheduled to be conducted at the Ram Manohar Lohia Hospital, during the course of the day, today.

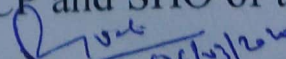
Mr. Mehra further undertakes that, subsequent upon the conduct of the said post-mortem, the dead body of Mr. Hamza will be released forthwith, either to the petitioner herein, Mr. Ansari Mo. Arif., or his other family members, for the performance of his last rites.

In view of the submissions made on behalf of the counsel for the parties, we re-notify the present petition for further hearing on 11th March, 2020.

In the meantime, the Government hospitals in Delhi under the aegis of both the Central Government, as well as, the State Government, are directed to collect DNA samples from all the dead bodies lying in their motuaries and preserve the same; and further to conduct videographed post-mortems of all the dead bodies lying in their respective mortuaries.

The Government hospitals are further directed not to dispose of any of the unidentified dead bodies, till the next date of hearing.

Before we part with this order, we express our appreciation for the alacrity with which the concerned DCP and SHO of the concerned


Court Master
High Court of Delhi
New Delhi

Police Station have responded in these proceedings.

CRL.M.A. 4928/2020 (for interim relief)

The present application under Section 482 of the Code of Criminal Procedure, 1973, filed on behalf of the applicant/petitioner prays as follows:-

"(a) Direct the Respondents to, forthwith, applying for the Call Detail Records of the Hamza's mobile phone bearing number 7505868790 registered with service provider, Reliance Jio.

(b) Direct the Respondents to not dispose of unidentified bodies recovered since 26.02.2020 until the Petitioner has been able to check if the brother-In law of the Petitioner is amongst any of the recovered bodies.

(c) Direct the Respondents to not dispose of unidentified body parts recovered since 26.02.2020 until the Petitioner has been able to check if the brother in law of the Petitioner is amongst any of the recovered body parts.

(d) Direct the Respondents to publish the description of unidentified dead bodies in various morgues to facilitate identification.

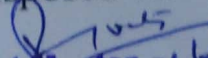
(e) Direct the Respondents to collect DNA samples of all unidentified bodies to facilitate easier identification.

(f) Direct the Respondents to collect DNA samples of all unidentified body parts to facilitate easier identification.

(g) Such further Order/ Order(s) as this Hon'ble Court may deem fit to pass in the facts and circumstances of the case. "

In view of the order passed in the accompanying writ petition, no further directions are called for in the present application.

The application is accordingly disposed of.


Court Master 06(5)/2020
High Court of Delhi
New Delhi

CRL.M.A. 4929/2020 (for interim relief)

The present application under Section 482 of the Code of Criminal Procedure, 1973, filed on behalf of the applicant/petitioner prays as follows:-

“(a) Direct the Respondents to maintain a list of detained persons in accordance with the provisions of Section 41C of the Code of Criminal Procedure, 1973.

(b) Direct the Respondents to maintain a centralized database of missing persons that should be correlated with persons’ detained/sent to custody/injured/dead so as to reflect a list of missing persons that would not include persons detained/sent to custody/injured/dead;

(c) Such further Order/ Order(s) as this Hon’ble Court may deem fit to pass in the facts and circumstances of the case.”

Since the dead body of Mr. Hamza has been recovered, no further directions are called for in the present application.

The same is accordingly disposed of.

A copy of the order be given *dasti* under the signatures of Court Master to the counsel for the parties.


SIDDHARTH MRIDUL, J


I.S.MEHTA, J

MARCH 06, 2020
nd


Court Master 6/03/2020
High Court of Delhi
New Delhi