

CNR No. DLCT01-006345-2023
SC No. 279/2023
State Vs. Imran and Ors.
FIR No. 439/2013
PS IP Estate

26th September, 2023

Present: Sh. Md. Iqrar, Ld. Addl. PP for State.
All four accused persons in person who are stated to
be on Court bail, with Counsel Sh. Faisal Khan.

One letter dated 25.09.2023 of the concerned DCP, Central District has been received vide which the ACP, Kamla Market was directed to ensure the presence of IO SI Pratap Singh, IO Inspector Neki Ram Lamba and the concerned ACP Sh. Pankaj Singh before this Court today. Despite above, it is to be noted that the concerned ACP Sh. Pankaj Singh has not appeared before this Court.

The concerned IOs, SHO and ACP were summoned for explanation regarding the delay in filing the charge-sheet and also regarding the non availability of CCTV footage on record, which was collected by IO SI Mohit Malik during investigation.

Today, separate replies have been filed by IO SI Mohit Malik (1st IO), Sh. NR Lamba (the then concerned SHO), Inspector Sanjeev Kumar (present SHO) and Retd. SI Pratap Singh (last IO).

IO SI Mohit Malik submitted that he was the first IO in the present case and after around 2 years, he was transferred and he handed over the file to MHC(R).

The concerned SHO Sh. NR Lamba submitted that he

joined as SHO IP Estate in December, 2020 and due to various issues, the police staff remained busy in Law and Order arrangement and also due to COVID-19 which remained in force till 2021, no action could be taken. He further submitted that he directed IO SI Pratap Singh to finalize the investigation and to file the charge-sheet in the Court. He also submitted that it is worth-mentioning that the charge-sheet in the present case was prepared in the year 2017 and after that no action was taken. He submitted that due to his sincere efforts, the investigation was concluded and the charge-sheet was filed.

The present SHO Sh. Sanjeev Kumar submitted that as per record, SI Mohit Malik remained the initial IO from December, 2013 to 07.09.2017 and later on, the other IO SI Mahender investigated the case. He further submitted that he joined as SHO PS IP Estate on 17.11.2021 and he has never been part of the investigation.

It is also submitted that the CCTV footage which was referred in the order-sheet dated 20.12.2013 of Sh. P.K. Jain, Ld. ASJ, has not been traced and even the seizure memo of the same is not available on judicial record.

IO SI Mohit Malik submits that he has been issued explanation letter from the DCP, Shahdra regarding non traceability of CCTV footage.

In these circumstances, let a report be called for the next date of hearing, from the concerned DCP, Shahdra regarding final output of proceedings initiated against IO SI Mohit Malik.

Now advertng to the factual position of the present case, the incident pertains to 01.12.2013 and the charge-sheet has been

filed before the Id. MM on 04.08.2022 i.e. near about 9 years by IO SI Pratap Singh (now retired) which was duly forwarded by SHO Sh. NR Lamba, PS IP Estate and ACP Sh. Pankaj Singh. There is apparently no reasonable explanation on record on behalf of investigating agency for filing the present charge-sheet with such huge delay. The charge-sheet reveals that there is no such investigation for which around 9 years were required. There is no scientific or technical investigation conducted in the present case which demands such a long time for investigation. The only investigation which has been conducted in the present case was the arrest of the accused persons and recording of their disclosure statements.

Though, there is no limitation period for filing the charge-sheet as the offence involved is punishable with imprisonment for more than three years, but it does not mean that the charge-sheet can be filed at the whim and fancies of the investigating officer. It is not open to the investigating officer to keep the investigation pending till eternity. There has to be checks and balances on the power of the investigating officer and the supervision must be exercised by the senior police officers. The delay in filing of the charge-sheet brings along its own consequences viz. non traceability of the witness, fading of memory, loss of evidences, delay in justice *et al.*

In the present case, the investigation has been kept pending for around 9 years for no plausible reason and it appears that there has been no proper supervision for the same.

Accordingly, let this order-sheet be sent to the concerned DCP to look into this matter and to fix the responsibility of erring

police official and to take appropriate action against such official, under intimation to this Court.

A report be also called from the concerned DCP, Central for the next date of hearing to apprise the Court regarding the SOP of time-line fixed by the department for filing the charge-sheet and the supervision to be conducted by a senior police officer. The report must also provide the safeguards to be taken to ensure the timely filing of the charge-sheets and to avoid such situation in future.

List the matter for receiving reports from the concerned DCP, Central and DCP, Shahdra and also for arguments on charge on **21.11.2023**.

(SUSHIL ANUJ TYAGI)
ASJ-04/Central/Delhi
26.09.2023_(VR)