

State vs. Raj Kumar @ Bhola & Ors.

CNR No.: DLCT01-013816-2022

SC No. 644/2022

FIR No. 208/2022

Under Section 302/307/120B/34 IPC & 25/27 Arms Act

PS I.P. Estate

17.02.2023

Present : Mr. Amit Dabas, Ld. Addl. PP for the State.
Mr. P.P. Singh Rana, Advocate with Ms. Kritika Rana, Advocate with the complainant.

1. This is an application under Section 173 (8) Cr.P.C. filed by the complainant for further investigation.

2. Ld. Counsel for the complainant contended that Investigating Officer has not arrested the co-accused persons. He contended that Investigating Officer has placed Rajesh and Aliya in column No. 12. He contended that the complainant is receiving threat to withdraw the case and otherwise, he would be killed like his son. He contended that Investigating Officer merely procured NBW against the co-accused persons, namely, Sabir and Salman and not made any sincere efforts to arrest them. He contended that investigation is defective and material evidence is not collected.

3. IO Insp. Ganesh Kumar, in his reply, stated that the co-accused persons, namely, Sabir and Salman were declared '*proclaimed offender*' on 14.12.2022. He stated that there is no incriminating evidence against Aliya and Rajesh. He stated that investigation pertaining to unidentified assailants is still pending.

4. The main grievance of the complainant is that the co-accused persons, namely, Sabir and Salman and other two unidentified accused persons are still not apprehended. In that regard, it is seen that Investigating Officer obtained NBW against them. However, they could not be traced and apprehended. Eventually, they were declared '*proclaimed offender*' on 14.12.2022.

5. Another grievance is that Investigating Officer has placed Aliya and Rajesh in column No. 12. There is no incriminating evidence against Rajesh and Aliya and therefore, it cannot be said that Investigating Officer has not properly investigated the case against Rajesh and Aliya.

6. Other contentions pertaining to investigation and collection of evidence are quite general.

7. Besides making averments pertaining to non-apprehension of the co-accused, namely, Sabir and Salman and placing Rajesh and Aliya in column No. 12, the complainant has not demonstrated any defect in the investigation.

8. This Court is of the considered opinion that there is no merit in the application under Section 173 (8) Cr.P.C.

9. Accordingly, the application under Section 173 (8) Cr.P.C. filed by the complainant is dismissed.

Sanjay Sharma-II
ASJ-03, Central District
Tis Hazari Courts, Delhi
17.02.2023

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Present : Mr. Amit Dabas, Ld. Addl. PP for the State.
Ms. Nazia Hasan, Advocate for the accused, namely, Mustkeen (*through Video Conferencing*).
Mr. Javed Ashraf Khan, Advocate for the accused, namely, Samreen.
Mr. P.P. Singh Rana, Advocate with Ms. Kritika Rana, Advocate with the complainant.
The accused persons, namely, Raj Kumar @ Bhola and Mustkeen are produced from CJ-8/9, Tihar, New Delhi (*through video conferencing*).
The accused, namely, Samreen is not produced from judicial custody.

Vide separate order, the application under Section 173 (8) Cr.P.C. filed by the complainant is dismissed. On being contacted, Mr. Mohd. Usman Siddiqui, Advocate for the accused, namely, Raj Kumar @ Bhola stated that he is not representing the accused, namely, Raj Kumar @ Bhola. The accused, namely, Raj Kumar @ Bhola is seeking a counsel to defend him in this case. Accordingly, a copy of this order be sent to Ld. Secretary, DLSA (Central) with the request to immediately appoint a legal aid counsel to defend the accused, namely, Raj Kumar @ Bhola. As requested, to come up for arguments on charge on **27.02.2023**. Issue notice to concerned Jail Superintendent to produce the accused persons before this Court physically.

Sanjay Sharma-II
ASJ-03, Central District
Tis Hazari Courts, Delhi
17.02.2023

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