

SC 44792/2015
STATE Vs. RAJESH
FIR no. 70 /2005
PS New Usman Pur

13.03.2024

File received by way of transfer. It be checked and registered.

Present: Sh. Harvinder Kumar Nar, Ld. APP for the State.
Proceedings against accused Ravi are already abated vide order dt. 03.02.2023.
Accused Babloo @ Khatri produced from JC.
Accused Rajesh @ Kalia, Guddu, Sanjay, Manish, Ranvir, Raja, Rajkumar are present, on bail.
Sh. Pratap Dhaka, Ld. counsel for accused Rajkumar.
Sh. Y.S. Kumar, Ld. Counsel for accused Manish and Ranvir.
Sh. U.K. Rai, Ld. Counsel for accused Guddu.
Sh. J.P. Srivastava, ld. Counsel for accused Rajesh.
ASI Bhupender from ACP, PG Cell is present.
PW MHC(M) is present with register no. 19.

An inquiry report has been furnished by ACP, PG Cell, according to which, ACP North-East District has initiated departmental inquiry against HC Azad Akhtar, who was the concerned MHCM of PS New Usmanpur, while the case property was under his custody in the malkhana.

Perusal of the record shows that five case properties have already been proved as Ex. P1, Ex. P2, Ex. P3, Ex. P4 and Ex. P5 during examination of PW Retired SI Lal Sahab as per his deposition recorded on 07.09.2016. Further, it is also revealed from the record that case properties i.e. stolen / robbed articles i.e. one VCD, one chain, two rings, one pair of earrings (bali), one mobile phone and wrist watch were released to superdar / complainant Santosh vide orders dt. 19.05.2005. As per the deposition of PW-6 / Santosh, she could not produce the said

articles as she had already disposed of the same.

In these circumstances, the only liability of the concerned MHCM was to retain the photographs of all the case properties, which could have been produced during the trial.

Let appropriate inquiry be conducted to that extent by concerned DCP. Copy of this order be sent to concerned DCP.

Perusal of the record further shows that testimony of PW-14 ASI Satish has been deferred for want of case property. Since, the case properties have already been proved by the prosecution, their production if any is dispensed with.

Let PW-14 ASI Satish be summoned through DCP concerned for the NDOH.

Put up for remaining PE on **25.04.2024**.

(Ankita Lal)
ASJ /(FTC)N.E. KKD, Delhi
13.03.2024