

SC No.36/2023  
STATE Vs. DEVENDER KUMAR @ DEVI  
FIR No.286 /2018  
PS (New UsmanPur)

03.11.2023

Present: Sh. S.K. Dubey, Addl. PP (Substitute) for State.  
ACP Udaibir Singh, Inspector Sukram Pal and  
Insp. Deepak.

Statement of Insp. Sukram Pal, recorded regarding  
MLC/treatment documents of injured as under:

*“It is submitted that the charge-sheet of the present case was filed on 08.06.2018 which contains the MLC alongwith result of the injured Sanjeev issued from GTB hospital. It is further submitted that at the stage of trial, injured Sanjeev had informed to the hon’ble court regarding his treatment in RML hospital. Thereafter, the treatment papers were collected from Sanjeev and were submitted in the RML hospital for results on 07.10.2023. Thereafter, I have made sincere efforts through my staff on 26.10.2023, 30.10.2023 and 03.11.2023 for getting result/opinion on the MLC/treatment documents of injured Sanjeev, complainant of the present case from RML hospital. It is requested that today on 03.11.2023, it was informed to us by RML hospital that one week time is required for giving opinion on the MLC of injured Sanjeev. It is requested before the hon’ble court that two week time be granted to us for collecting the opinion on the MLC/treatment documents of injured Sanjeev. I will be more careful in future. I shall be highly obliged.”*

Before giving this statement, ACP Udaibir Singh and  
both the inspectors appeared and stated that they have already

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approached the RML hospital and they are asking for one week time, court may listen to them and may summon the MS if the court wants. However, this fact does not found mention in the statement of Inspector Sukram Pal which is recorded.

When I asked about this fact the ACP Udaibir Singh refuted that he used these words and then said, "*aap maalik hai, kursi pe bethe hai, kuch bhi order kar sakte hai*". All this shows that police is considering as if court has asked them to do something that is not their duty. But the fact is that the case is of the year 2018 and we are in November 2023. It was the duty and responsibility of the investigating agency only to place on record the MLC which they have not done despite an undertaking given by Inspector Deepak, present in the court, on 22.09.2023 that he will place on record the MLC within a week. The next date given was 12.10.2023 on which date the court was on leave due to training at the Supreme Court but that does not make a difference as the file was still there. SHO was present on that date alongwith SI Kunwar Singh and ACP Mohinder Singh but the MLC was not filed. The next date given was 31.10.2023. None of them appeared on that date and even did not file the MLC. Today they are present only after notice was again sent to them but MLC is still not filed and they requested that if the court wants, court may summon the MS. I am thankful to the ACP and both the Inspectors for guiding the court and requesting that instead of asking them court shall summon the MS for the MLC. A copy of the statement of Inspector Sukram Pal alongwith copy of the

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order sheet be sent to DCP for information. If police cannot discharge their duty and file the MLC which they were duty bound to file and now request the court to summon the MS then for what purpose the investigating agency is there if the collection of evidence is to be done by the court.

Summons be sent to the MS RML hospital and as the ACP and the inspectors have shown their inability, the summons be served through the process serving agency of the court for the date already fixed in the matter i.e. 07.12.2023.

Copy of this order be given dasti to all the three police officials for their ready reference.

(V. K. BANSAL)  
Principal District & Sessions Judge/N-E/  
Karkardooma Courts/Delhi/03.11.2023