

Cr Rev / 30/2026
SHARUKH KHAN Vs. STATE THROUGH
SHO PS DAYALPUR
FIR No.67/2020
(Dayal Pur)

18.03.2026

Present: Revisionist is absent.
Sh. Anirudh Ramanathan, Ld. counsel for the
revisionist.
Sh. Abhishek Pandey, Ld. Addl. PP for the State.

ORDER ON REVISION

1. The present revision has been filed against the order on charge dt. 28.01.2026 by way of which charge was framed against applicant u/s 25 of Arms Act.
2. It is argued by counsel for the revisionist that revisionist / accused was illegally detained in police custody since 24.02.2020 till 28.02.2020. He was produced before the Court on 28.02.2020, at that time, he brought this fact to the knowledge of Ld. Trial Court and order sheet dt. 28.02.2020 is filed in support of the same. It is submitted that since he was illegally detained, hence he could not have committed the offence on 27.02.2020.
3. It is further submitted that the recovery is shown in front of police officials and there is no public witness to the recovery. Further, the finger prints were not obtained from the pistol to show that it was recovered from the revisionist / accused. There is no

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CCTV camera of the incident whereby showing presence of the revisionist / accused at the spot.

4. Further, a false reply is given by SHO dt. 30.11.2023 before Ld. ACJM that there was no CCTV camera installed in the premises of police station. It is submitted that this has been done in order to conceal the fact that he was illegally detained in the police station from 24.02.2020 till 28.02.2020. It is submitted that perusal of the MLC of accused Shahrukh dt. 28.02.2020, copy of which is filed on record, it is evident that he had bruises and abrasions over different parts of his body, it is evidence of custodial torture. It is further submitted that Additional DCP has already ordered an independent enquiry into the matter to fix the responsibility to erring official and same is already pending, copy on record.

5. I have heard Ld. counsel and perused the copy of charge sheet and other documents on record.

6. As far as the allegations of custodial torture are concerned, that is a separate cause of action and necessary steps have already been taken at the behest of revisionist/accused and enquiry is stated to be pending.

7. Revisionist was kept in custody illegally from the period 24.02.2020 till 27.02.2020, is a defence taken by the revisionist/accused, which he is to prove in due course.

8. As per the case of prosecution, he was arrested on 27.02.2020 and a *katta* was recovered, there are police witnesses to

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this offence and at this stage, it cannot be said that no charge is made out only because the witnesses are police witnesses. Further, there is no CCTV footage and the effect of the same is to be seen after trial. Only because there is no CCTV footage, it cannot be said that charge is not made out.

9. Needless to say, an application for revision lies only when there is patent illegality and irregularity in the order of Ld. Trial Court, however, this Court does not find any such patent illegality or irregularity.

10. It is submitted by counsel for the revisionist /accused that Ld. ACJM has already made up his mind and even without hearing the arguments, he was given charge to sign. However, again, it is apprised to the Ld. counsel that there is no patent illegality as far as the order passed by Ld. Trial Court is concerned.

11. There is no patent illegality or irregularity in the order dt. 28.01.2026 passed by Ld. ACJM/NE/Delhi. Hence, the revision petition is **dismissed**. The Order dt. 28.01.2026 of Ld. Trial Court is upheld.

12. Copy of this order be sent Ld. Trial Court.

(Twinkle Wadhwa)
ASJ-02(NE)/ KKD/Delhi
18.03.2026/nk