

**CNR No. DLNE01-000799-2022**

**SC No. 62/2022**

**State Vs Pawan Tiwari & Ors**

**FIR No. 32/2021**

**PS Sonia Vihar**

**U/s 498A/304B/34 IPC**

**05.04.2022**

Present: Sh. R. K. Satyarthi, Ld. Addl. PP for State.  
Accused Pawan Tiwari is produced from J/C.  
Other three accused are present.  
Sh. Akshay Kumar, Ld. Counsel for all accused.  
Sh. Vipin Arora, Ld. Counsel for complainant  
along with complainant.  
IO Inspector Doroithia.

On the last date of hearing, the report was called from DCP, North-East to apprise the Court whether the case is ripe for hearing in the absence of FSL report and if the FSL result is required for orders on the framing of charge, then to ensure the filing of FSL result. No FSL result is placed on file. Letter is received under the signatures of Ld. Addl. DCP-I, North-East, Delhi. In the letter, the submissions of Ld. Addl. DCP-I, North-East are as under:-

*“That after receipt of present order, SHO PS Sonia Vihar was directed by this office to pursue the matter with FSL Rohini, Delhi to obtain the result. Now in this regard, a report has been obtained from SHO PS Sonia Vihar. As per said report, on 28.03.2022, a Priority Letter was sent to Director FSL, Rohini, Delhi by SHO PS Sonia Vihar to obtain FSL result but the same is not received so far.*

*That with regard to the requirement of FSL result for framing of charge, it is submitted that FSL result is a scientific evidence and it has vital role in trial. However, Hon’ble Court is the supreme*

*authority in the matter and it solely depends upon the Hon'ble Court, whether to proceed without FSL result or otherwise.*

*That SHO PS Sonia Vihar has been directed by this office to pursue the matter with FSL on regular basis and to procure the result at earliest. After receipt of FSL report, the same will be submitted before Hon'ble Court. ACP/Khajuri Khas has been directed to ensure compliance of the same”*

It is stated by Ld. Counsel for complainant as well as accused that the opinion on the exhibits deposited with FSL, Rohini is required for the hearing/trial of the matter and the police is not taking steps to collect the same.

Speedy investigation of a criminal matter is recognized as a valuable right and the investigating agency is legally duty bound to file the final report including the opinion of expert taken during the investigations, upon completion of the investigation. In the present case, investigations were initiated upon registration of FIR on 29.01.2021 and the final report was filed on 30.04.2021 without any expert opinion/FSL report. The Court of Ld. ACMM, North-East also sought report regarding the FSL results prior to committal of the case but no efforts were made to collect the result and to file the same.

As per report received today, DO letter is written on 24.03.2022 and as per report obtained from SHO PS Sonia Vihar on 28.03.2022, a priority letter was sent to Director, FSL, Rohini by SHO to obtain FSL result. Thus, it is clear that the police has awoken only after the orders passed by this Court on 22.03.2022. Considering the submissions made by Ld. Counsel about the requirement of FSL result, time is granted to the police to take appropriate steps including approach to the supervisory authority

of the FSL, Rohini to get FSL result expeditiously.

One standing order bearing no. 219/10 was issued by Delhi Police in respect of scientific aid to investigations, let the Court be apprised about the said order whether it is still in operation and if so, what steps are taken by the police including supervisory officers to comply its directions. If the standing order has been replaced/modified subsequently, then such standing order be filed before the Court.

Put up on **23.04.2022** awaiting the FSL report and for further proceedings.

**(SUNIL CHAUDHARY)**  
**Special Judge (NDPS)/ASJ**  
**North East/ Delhi 05.04.2022**