

SC381/2022
STATE Vs. BHIM SAIN
FIR No. 334 /2022
PS KARAWAL NAGAR

17.02.2023

Present: Sh. Sukhbeer Singh, Ld. Addl. PP for the State.
Accused in JC.
Ms. Bornali Singh, Ld. LAC for accused.
Inspector/SHO Nafe Singh.
Witnesses Kajal and Sangeeta Sain (PW1).
MHC (M) ASI Junaid.
IO/Inspector Uttam Kumar absented.

Matter is fixed for evidence of the prosecution. Notices issued to the witnesses Ms. Kajal, MHC (M), Inspector Uttam Kumar and Sangeeta Sain (PW1) are received back with the report served. Today, on calling the case, Ms. Kajal, Sangeeta Sain (PW1) and MHC (M) have appeared, but IO Inspector Uttam Kumar failed to appear despite of repeated calls till 12:45 pm.

The Ld. APP for the state has submitted that since the case properties are not received back from the FSL, so the witness Sangeeta Sain (PW1) whose examination in chief was earlier deferred and witness Kajal may be discharged unexamined as the case properties are required to be shown to these witnesses for the identification thereof by these witnesses.

On the last date of hearing, the part examination in chief of Ms. Sangeeta Sain (PW1) was recorded. Further examination in chief was deferred for want of the case properties

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as the case properties were sent to the FSL but neither the report of FSL is filed nor the case properties were produced.

Since this a murder case and this accused was arrested way back on 22.07.2022 and charges against this accused were framed u/s 302/307 and also u/s 324 of IPC vide order dated 19.12.2022 and the matter was adjourned for evidence of the prosecution and on the last date of hearing i.e. on dated 06.02.2023 at the time of adjourning the present matter, this court had observed that IO and DCP are negligent persons as they are not pursuing the matter for expeditious results of the FSL, despite commencement of the trial and the Commissioner of Delhi Police was requested to do some needful to ensure that the report of FSL and case properties are produced in the court on the next date of hearing i.e. today, but despite of making of request to the Commissioner of Delhi Police, no result of the FSL are filed nor case properties are produced even today in the court.

Today on calling the case, Inspector Nafe Singh/SHO of PS Karawal Nagar has appeared. This court has received a letter from the Addl. DCP 2nd North East wherein, it is mentioned that FSL is an independent agency and it is not under the control of Delhi Police. Thus, this Addl. DCP 2nd North East is showing her helplessness but such conduct of Addl. DCP 2nd North East is also unbecoming if she was feeling to be helplessness to obtain the expeditious result, she could apprise to the Commissioner of Delhi Police and the Commissioner of Delhi Police could also do

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some needful as Delhi Police and FSL are under the kind Control of the Ministry of Home Affairs (Govt. of India), New Delhi but, neither any fruitful has been done by the Commissioner of Delhi Police nor by Addl. DCP 2nd North East whereas this accused is behind the bar for a considerable period and the trial is being delayed in view of the negligent conduct and lackadaisical approach of these police officials including the highest police official. Today Inspector Nafe Singh has submitted that he had apprised to the Addl. DCP North East a day before yesterday then Addl. DCP North East had written the DO letter to the Director FSL Rohini and Inspector Nafe Singh has sought time to file the report of FSL and submitted that he will pursue the matter of his own and he may be given the time. This court relies upon such assurance given by the Inspector Nafe Singh/SHO. Accordingly, matter stands adjourned for evidence of the prosecution, filing of the FSL report and production of the case properties.

To come up on 20.04.2023. PW1 be summoned for the next date of hearing. IO/SHO are called upon the next date of hearing. Attested copy of this order be sent to the Commissioner of Delhi Police and also to the DCP North East.

(PAWAN KUMAR MATTO)
Addl. Sessions Judge (Special Judge NDPS)
North East/KKD Courts/Delhi/17.02.2023