

SC 168/2021
STATE Vs. VED
FIR No. 538 /2020
PS Narela Ind. Area
U/s. 302 IPC & U/s. 54/59/30 Arms Act.

02.12.2022

Present: Sh. Sanjay Jindal, ld. Addl. PP for the State.
Accused Ved produced from JC through Jail VC.
Sh. Gajraj singh, ld. counsel for accused.

Today the matter is listed for filing of FSL result and RPE.

Summons issued to PW ASI Krishan Kumar received back served but he has not appeared today. Issue B/ws against the above said PW for an amount of Rs. 5000/- for the next date of hearing.

Summons issued to IO/Inspector Arvind Kumar received back served but he has sent a request. Issue fresh summons to IO/Inspector Arvind Kumar for the next date of hearing.

PW 1 Sh. Rishi Pal has been partly examined in chief, further examination in chief is deferred as the CCTV Footage still lying at the FSL and the Ld. Additional PP for State has submitted that the same is required for further examination of the witness.

Perusal of the record reveals that FSL result has not been deposited with the court even after expiry of long time. No cogent reason has been given for not depositing the FSL result till date.

This court has received the order of ***Hon'ble High Court of Delhi in Crl. M. C. 2621/2012, titled as Kanwar Sain Gupta Vs. NCT of Delhi & Anr. order dated 21.07.2016***, wherein it is mentioned:

"..... If the opinion from FSL is not received within a reasonable time frame, the Investigation Officer/SHO shall ring the matter to the notice of the concerned DCP so that matter can be taken up with the FSL

Authorities immediately...."

"... The FSL opinion shall be expeditiously submitted in the Court concerned by the Investigating Officer/SHO through a chargesheet, after obtaining the requisite administrative approvals...."

".... The cases, where sufficient evidence to chargesheet the case has been collected, will be forwarded to the Court for trial without delay. the FSL reports and other evidences collected subsequently should be filed before the court through supplementary chargesheet....."

The relevant standing order is bearing no. 444/2016 dated 21.06.2016 and O.B. No. 19,RB/PHQ dated 21.06.2016 issued by Commissioner of Police, Delhi

Hence, concerned DCP is required to give explanation for not sending the FSL result on the next date of hearing.

Issue fresh summons to material witnesses for the next date of hearing.

Issue Production Warrants against the accused through concerned Jail Superintendent to appear the accused physically on the next date of hearing.

Put up for recording of statement of accused U/s. 294 Cr. P.C, further cross examination of PW 1/ remaining PE on **09.03.2023 & 10.03.2023.**

(Shivaji Anand)
Addl. Sessions Judge: 04 (North)
Rohini Courts: Delhi:02.12.2022_(RB)