

SC No. 270/19 (Old SC No. 29/19)
FIR No. 14/19, P.S. - Alipur
U/s. 307/506/120B/34 IPC & 25/27 Arms Act

State VS. Gaurav & Ors.

02.12.2019

Present : Sh. Harvinder Nar, Ld Addl P.P for the state.

All accused persons produced from JC.

Sh. Yogesh Pandey, Ld. Counsel for accused Ashru @ Ajru @
Lallu.

Sh. Rakesh Kaushik, Ld. Counsel for accused Gaurav and
Abhay.

Today Director, FSL, Rohini was called to appear in person for her explanation as to why the FSL report(s) have not been prepared and filed till date, despite orders of the Court dated 06.06.2019 and 15.10.2019.

However, an oral request has been received on her behalf that she is on leave today, further, as report has been filed that the FSL report shall be ready by 29.12.2019, however, the same is not acceptable to the accused persons, as it is pointed out by the Ld. Defence Counsel(s) that due to inordinate delay in preparing the FSL report(s) in this case, the charge(s) are not being framed due to which grave prejudice is being caused to the accused persons, who are languishing in JC since long. It is also pointed out that this case was committed to this Court on 13.05.2019, thereafter, the present matter is pending awaiting the FSL / Ballistic report(s).

I find sufficient merit in the said contention of the accused persons and the Ld. Defence Counsel(s), as it is a matter of serious concern that due to the non receipt of the FSL / Ballistic report(s) the inquiry / trial cannot be proceeded with and the accused persons are in JC.

Further, it has been repeatedly observed in other cases which

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are also pending in this Court that FSL / Ballistic report(s) are being delayed inordinately causing grave prejudice to the accused persons, who are languishing in judicial custody, which is in clear cut violation of Article 21 of the Constitution of India.

In these circumstances, issue fresh show cause notice to the Director, FSL, Rohini to appear in person for her explanation in this regard on **11.12.2019**.

The Director, FSL, Rohini is again directed to expedite the preparation of FSL / Ballistic report(s) and make it ready positively within 10 days from the date of receipt of this order, without fail.

Copy of this order be sent to Director, FSL, Rohini and also to the SHO, PS Alipur for compliance.

Copy of this order be also sent for the perusal of Hon'ble Minister (Home), Govt. of NCT of Delhi for kind information and necessary action, if any.

Put up for further proceedings on **16.12.2019**.

(Sanjeev Aggarwal)
Addl. Sessions Judge-02(North)
Rohini Courts Delhi
02.12.2019