

SC No. 51895/2016
FIR No. 987/2005
PS : Rohini
U/S 302/307 of IPC
State Vs. Bhim Singh

06.09.2017 (01:28 PM)

Present : Mr. P.K.Ranga, Additional Public Prosecutor for the
State.

Mr. A. B. Asthana, Ld. Special Public Prosecutor for the
State.

IO/ACP Rajbir Malik, in person.

Accused on bail with Ld. Counsel Sh. Ranbir Singh.

The matter was fixed for evidence of the prosecution and for awaiting the result of the process regarding the examination of the prosecution witness, namely, Saranjeet Singh through commission. As this witness is residing in Switzerland. As on the last date of hearing i.e. 22.08.2017, the IO had filed the Translated Version of the documents in German Language and also produced Ms. Sarita, Assistant Professor in University of Delhi and her statement was also recorded regarding the correctness of the translated version of the said documents and the said translated version of the said documents were ordered to be sent to the Ministry of External Affairs and also to the Ministry of Home Affairs in compliance of the letter dated 19.06.2017 written by the Under Secretary to the Government of India, Ministry of Home Affairs and the IO/ACP Rajbir Malik was directed to pursue the matter in serious manner, so that, Prosecution's witness Saranjeet Singh may be examined through

Commission in the light of the order dated 14.03.2014 passed by the Predecessor of this court and today, at the time of the 2nd call, the IO/ACP Rajbir Malik has come present and Naib Court posted in this court has told that Naib Court has telephonically contacted with this IO after passing over the matter. But, the IO has telephonically told to the Naib Court that he was not called by this court for today and this court has passed over the matter till 12:30 P.M.

Since this court remained busy in recording the statement of the prosecution's witness, so, this file could not be taken up at 12:30 pm. Since, the IO was directed to pursue the matter in serious manner, but he failed to discharge his duties diligently and he was not ready to tell about the status of the proceedings in the Ministry of Home Affairs regarding the examination of the eye witness Saranjeet Singh.

Today, at the time of 2nd call, the IO/ACP Rajbir Malik has come present and submitted that he had sent a constable to the Ministry of Home Affairs and yesterday. But, it was revealed that the documents sent by this court have not yet been received in the said Ministry. He was told that he had received the documents for filing in the Ministry. But as the same were not received through DCP, so, he had orally refused to receive the same for filing in the ministries. He has stated that he does not know regarding the receiving of the said documents in the Ministry of External Affairs. Thus, it appears to the court that this IO is not pursuing the present matter in serious manner and this court has asked to this IO whether he can file copies of two complete set of the said documents for again sending to the Ministry of Home Affairs & in Ministry of External Affairs till 02:00

PM. He is not ready for the same till 02:00 PM and submitted that the matter may be passed over till 04:00 PM and IO has also told that the said documents, which were ordered to be sent to the Ministry of Home Affairs & in Ministry of External Affairs, are still lying with Inspector of Legal Cell, Outer District, who has told him. So, it appears to the court that some of the police personnels are deliberately delaying the proceedings of this case for the best reasons known to the

Whereas, this is 12 years old case and also time bound case and as per the directions of the Hon'ble High Courts of Delhi, this matter is required to be disposed off till the end of December. But, the IO and other police personnels are not pursuing the present matter in serious manner and causing delaying the proceedings of the present case.

This court has perused the file. The perusal of the file shows that this witness, namely, Sh. Saranjeet Singh could not be examined for the last about 11 (Eleven) years and since the IO appears to be negligent person and he is not obliging the order of the Predecessor of this court and also of this court, vide which, he is directed to pursue the matter in serious manner.

So, in the given circumstances, this court does not want to live on the mercy of this negligent IO and since this is a time bound case, so, **the Commissioner of Delhi Police is called upon for tomorrow for 02:00 pm.** So that, he may be apprised about the negligent conducts of the police personnels and he may depute some vigilant officer to pursue the present matter in the Ministry of External Affairs for examination of witness Saranjeet Singh through

Commission in Switzerland. The IO is directed to file the complete set of copies of the said documents till 03:00 PM, so that, the same may be sent again to the Ministry of External Affairs & in Ministry of Home Affairs.

The matter stands passed over till 03:00 pm.

Process be also issued to the Commissioner of Delhi Police for tomorrow i.e. 07.09.2017.

**(Pawan Kumar Matto)
Special Judge (NDPS) N-W,
Additional Sessions Judge,
Rohini Courts, Delhi.06.09.2017**

At 03:00 PM.

Present : Mr. P.K.Ranga, Additional Public Prosecutor for the State.

Mr. A. B. Asthana, Ld. Special Public Prosecutor for the State.

IO/ACP Rajbir Malik, in person.

Accused on bail with Ld. Counsel Sh. Ranbir Singh.

The matter was passed over for filing the sets of the documents by the IO for sending the same copies to the Ministry of External Affairs & also to the Ministry of Home Affairs.

At this stage, the IO/ACP Rajbir Malik has filed only photocopy of one set of the all the documents along with the letter written by the DCP Mr. Rishi Pal and submitted that one set of papers, which were ordered to be sent in compliance of the letter dated 19.06.2017 written by the Under Secretary, Government of India, Ministry of Home Affairs, was lying in the office of the DCP

and it was received in the said office today itself. Whereas, on dated 22.08.2017, the documents along with translated version were filed in the court by the IO. The statement of Ms. Sarita, Assistant Professor, University of Delhi was recorded, who had translated the documents into German Language and copies thereof were ordered to be sent to the Ministry of External Affairs & in Ministry of Home Affairs to do the needful for examination of Mr. Saranjeet Singh(PW) through Commission. The Ahlmad posted in this court has apprised that on 24.08.2017, two sets of copies of the said documents, one for the Ministry of Home Affairs & another for Ministry of External Affairs were received by the Naib Court and Naib Court, namely, Ashok Kumar ASI & Naib Court has told to this court that two sets of photocopies of the documents were received by the another Naib Court Constable Rajesh on 25.08.2017 and since there was considerable time between 25.08.2017 and today i.e. 06.09.2017, Mr. Rajbir Malik, IO/ACP has told that only one set of copy of the documents was brought to him but as the same was not received by him through DCP. So, he had received and the the same documents have been received by Constable Pankaj Kumar Legal Cell, Outer District today itself and this Constable has confirmed that only only set of copy of the documents has been received in the office of DCP today itself.

In the forenoon session, this IO was directed to file the two sets of said documents for sending the same to the concerned ministries. So that the eye witness Saranjeet Singh may be examined through Commission in Switzerland. Even at 03:00 pm, IO has filed only one set of documents. So, this court has sent one orderly posted

in this court to get an other set photo-stated, so that, same may be sent to the Ministry of Home Affairs & in Ministry of External Affairs for doing the needful for examination of the said witness in compliance of the request letter dated 19.06.2017 written by the Under Secretary to the Government of India, Ministry of Home Affairs addressed to the Predecessor of this court. Since the Commissioner of Delhi Police is called upon for tomorrow, so that, he may look into the negligent conducts of police officers, who dare to withhold these documents for numbers of days together, despite of the order of this court and whose approach is lackadaisical.

The matter stands passed over till 03:30 PM.

(Pawan Kumar Matto)
Special Judge (NDPS) N-W,
Additional Sessions Judge,
Rohini Courts, Delhi.06.09.2017

At 03:30 PM.

Present : Mr. P.K.Ranga, Additional Public Prosecutor for the State.

Mr. A. B. Asthana, Ld. Special Public Prosecutor for the State.

IO/ACP Rajbir Malik, in person.

Accused on bail with Ld. Counsel Sh. Ranbir Singh.

At this stage, the accused has come present along with his counsel.

The matter was passed over for getting the complete set of the documents to be photo-stated. Accordingly, the orderly posted

in this court has brought the complete set of the documents photo-stated and both the sets of the documents and previous order dated 22.08.2017 of this court are handed over to the IO, so that, same may be sent to the Ministry of Home Affairs & in Ministry of External Affairs, so that, witness Saranjeet Singh may be examined in Switzerland expeditiously through Commission and since this court has observed that some of police personnels are negligent, they failed to discharge their duties diligently and in view of their negligent conducts and lackadaisical approach, the request documents are not arrived in the Ministry of External Affairs & in the Ministry of Home Affairs, so, the Commissioner of the Delhi Police is called upon for tomorrow, so that such problems may comes to an end.

So, the matter is ordered to be listed for tomorrow. IO is directed to remain present. IO is also directed to give the copies to both Ministries till tomorrow and apprise to the court about the same.

IO is further directed to file the receiving of the copies from the both ministries by tomorrow.

(Pawan Kumar Matto)
Special Judge (NDPS) N-W,
Additional Sessions Judge,
Rohini Courts, Delhi.06.09.2017

At 03:58 PM.

Present : Mr. P.K.Ranga, Additional Public Prosecutor for the
State.

Mr. A. B. Asthana, Ld. Special Public Prosecutor for the

State.

IO/ACP Rajbir Malik, in person.

The matter has already been adjourned for tomorrow.

At this stage, the IO/ACP Sh. Rajbir Malik, has filed the application and submitted that Commissioner of Delhi Police may not be called and assured to the court that he will pursue the matter in serious manner, in future.

So, taking into consideration the such submissions & assurance was made by the IO, there is no need to call to the Commissioner of Delhi Police. IO is requested to pursue the matter in serious manner and to do the “follow up” seriously, so that, the complainant may be examined expeditiously through Commission. So, there is no need for issuance the notice to the Commissioner of Delhi Police

Since at this stage, the Ahlmad has told to this court that he has prepared the notice and handed over to the Naib Court, but, it is not yet sent. So, the same process is taken back from Naib Court and is cancelled.

DCP concerned is directed to take appropriate action against the police official, who had withheld these documents with him/them and created hurdle in arriving of the documents in the Ministry of External Affairs & Ministry of Home Affairs & to apprise to this court within 10 days from today.

Attested copies of all the orders passed today by this court in this case is ordered to be sent to the DCP concerned for compliance.

List the matter on **07.09.2017**.

(Pawan Kumar Matto)
Special Judge (NDPS) N-W,
Additional Sessions Judge,
Rohini Courts, Delhi.06.09.2017