

22.07.2023

Present: Sh. K. D Pachauri, Ld. Addl. PP for the State.
Complainant in person with Ld. Counsel.

Arguments on protest petition heard on earlier dates.

Facts necessary for disposal of protest petition are that on 17.09.2007, complainant filed a complaint that accused Anjana Rani who is posted under him in Govt. Co-ed Sarvodaya Vidya School, Sector 2, Rohini, Delhi had fallen ill in the school, therefore, she was sent to Jaipur Golden Hospital. After this, complainant had left the school, however, subsequently, at about 04:30 p.m, some teachers who were already transferred from the school including the family members of Anjana Rani came at the gate of school and called Media and started abusing the complainant with cassias words to insult and to humiliate him and also passed threats to kill the complainant.

Complainant detailed in his complaint the names of persons. These are (1) Anjana Rani (who was in the hospital), (2) Mukut Lal, (3) Brother-in-law of Anjana Rani, (4) Brother of Anjana, (5) Avdhesh Kumar Jha, (6) Seema Jha, (7) Sandeep and (8) Vikram Sharma.

Police registered FIR on this complaint on 23.09.2022 i.e., after a delay of six days. After completion of investigation, IO filed the charge-sheet against accused persons namely, (1) Anjana Rani, (2) Vikram Sharma and (3) Seema Jha u/s 506 IPC and u/s 3(r)(s) SC/ST Act.

The protest petition is filed on the ground that the complainant has given the name of various persons in his

complaint but IO has not filed charge-sheet against all of them, therefore, the file is required to be sent back for further investigation as the IO is duty bound charge-sheet of persons who are named by the complainant.

It is also mentioned in the protest petition/ objections that IO has not collected all the documents which shows that the accused had committed offence u/s 3(1)(p)(q) by lodging false Complaints against the complainant so as to caused dent on his career and to injure the complainant.

It is therefore, prayed on behalf of complainant that file be sent back with direction to complete the investigation properly and charge-sheet of the accused persons who are mentioned in the complaint.

I have perused the charge-sheet and gone through the matter on record.

As per charge-sheet, after receiving the complaint on 17.09.2022 nothing was done till 23.09.2022. On 23.09.2022, the IO recorded the version of eye-witness who is the security guard in the school. The statement of this eye-witness recorded u/s 161 Cr.P.C records that he saw some persons were knocking the gate of school and some media persons had come there and among them were some previous teachers namely, Vikram Sharma, Jitender Joshi and Seema Jha. However, his statement did not mention about any utterance from these persons relating to any caste related abuse towards the complainant. Similarly, another witness Ashok Kumar Singh has not stated any such fact. Therefore, the only witness of the spot i.e., the gate has not specified, if the person who are left in the charge-sheet had abused complainant in his absence, demeaning him for the caste

he belongs. Admittedly, complainant was not present at the spot at the time of incident. Even the witness Om Prakash who stated about 4-5 persons have not mentioned about using the caste related words by those persons who were present, except Principal Seema against whom this witness had stated that “Seema Madam, Principal Saab Ko Chude Chamaar va Upshabdo ka prayog kar rahi thi aur keh rahi thi inhe hatao.”

Therefore, there is nothing on record to show that the other persons who had arrived at the spot except the one who are charge-sheeted already, have committed the offence under SC/ST Act.

So far as, other contentions in respect to not incorporating the proper sections in the charge-sheet are concerned, the documents of the complaints (allegedly false) are already collected during investigation and are part of charge-sheet. What offences are made out against accused persons will be decided at the stage of framing of charge.

Therefore, no ground is made out to send the file for re/further investigation. Hence, objections/ protest is declined.

From the material on record, I take cognizance of offences under SC/ST Act.

Summons be issued to accused persons namely, Anjana Rani, Vikram Sharma and Seema Jha through IO for NDOH.

List on **06.09.2023**.

(VIKRAM)
ASJ-02/Spl. Judge (NDPS)
North-West, Rohini Courts, Delhi/22.07.2023