

S.C No.09/17
FIR No. 300/2016
PS Anand Vihar

01.03.2017

Present : Sh. Shahabuddin, Ld. Addl. P.P. for the State.

Accused is produced from judicial custody.

Record is perused.

1. This charge-sheet has been committed to Sessions court by the court of Metropolitan Magistrate, Shahdara, Delhi as there are allegations of section 304/394/411/34 IPC. Cognizance u/s 193 of Cr.P.C is yet to be taken by this court. The record and proceedings are perused. There are allegations against three persons, however, this charge-sheet is in respect of Umesh and Kailash who were arrested on 06.09.2016, a mobile phone was recovered from him. The incident is of 20.03.2016.

2. The postmortem report opines cause of death that injuries mentioned in the postmortem are sufficient to cause death in the ordinary cause of nature, which were confirmed in the subsequent opinion after receipt of viscera report by chemical analysis. The postmortem report opines head, chest, lungs injuries etc. The court of Metropolitan Magistrate had also given certain directions, inclusive of directions dated 11.01.2017 to the SHO/Investigating Officer to record the statement of family members of complainant/needful, the report was filed, however, there was nothing on record except that nothing was found adverse; whereas there is no statement or other inquiry to be after 11.01.2017 to suggest what material or aspects were considered by the SHO PS Anand Vihar for furnishing the

report. There is a compact disc, it is also played, which shows that SHO was talking and addressing a person namely Mahipal, but there is no CCTV footage. There are some positive photographs, the same do not decipher about its date etc. In addition, there are statement of one Mr. Rajan Kumar (in respect of Mobile phone No.9891584720) statement of Mr. Mukesh (in respect of Mobile Phone No. 9015816282), as if they got issued the contact numbers in their favour but they lost the sim, no investigation is appearing in this regard.

Under these circumstances, as appears there are non compliance of previous directions in its letter and spirit vis-a-vis certain facts remained without investigation, as some of them are pointed out above. Notice be issued to the SHO police station Anand Vihar to carry complete investigation and then report on next date.

3. List on 17.03.2017.

(Inder Jeet Singh)
Additional Sessions Judge-04 (Shahdara)
Karkardooma, Delhi/01.03.2017

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