

SC No.7564/2016
FIR No.289/2012
PS Vasant Vihar
State vs. Nand Kishore @ Ganju etc.

03.08.2016

Pr. Mr. Rakesh Mehta, Additional Public Prosecutor for the State
Mr. SK Saxena, Amicus Curiae for accused Nand Kishore
and Dilip Sharma
Ms. Vandana Sharma, counsel for accused Pradeep
Accused Nand Kishore produced from JC
Accused Dilip Sharma produced from JC
Accused Pradeep produced from JC

PW28 HC Kulshresta partly examined in chief. Said witness was examined for identification of the case property. During examination, one sealed parcel was opened containing hard disc of Seagate. However the particulars mentioned on the harddisc do not tally with any of the seizure memo. Further examination in chief of this witness is deferred. The case property opened today be sealed again with the seal of court. Let Investigating Officer be summoned for explanation on the next date of hearing.

On 25.04.2016, SHO PS Vasant Vihar was directed to obtain the result from FSL Rohini at the earliest and place the same on record. SI Ramphal from PS Vasant Vihar is present. He has filed the report. As per the report, the exhibits could not be examined at FSL Rohini or FSL Chanakya pur. The report further states that thereafter the exhibits were sent to CFSL Chandigarh. CFSL

Chandigarh has asked for the DVR from which the CCTV footage was taken. It is further stated in the report that DVR will be obtained either from the owner of the house or from the company.

FIR in this case was registered in the year 2012 and the exhibits were sent to FSL for examination in the year 2012. Result was not obtained from the FSL till 2016 either by the Investigating Officer or by the SHO PS Vasant Vihar.

One of the reasons for delay in obtaining the result from the FSL on the exhibits/parcels sent by the Investigating Officer in such cases is that once Investigating Officer is transferred from a particular police station, he loses interest and enthusiasm on the assumption that matter will be pursued with the FSL by the concerned SHO. Unfortunately, the SHO, who was not associated with the investigation of the case or was not even posted as SHO in that particular police station when the investigation was being conducted, does not bother to obtain the result from the FSL at the earliest.

In the game of abdication of duty and shifting of responsibility being played between SHO and Investigating Officer, poor litigants, who are in custody suffer. Besides the trial in the case gets unduly delayed which adversely effect the disposal of case in the

Court. The issue requires urgent attention of the Commissioner of Police. The Commissioner of Police (Delhi) will intimate the court on the next date of hearing as to what corrective steps/measures have been taken to ensure that such type of situation does not arise in future. Copy of this order be sent to the Commissioner of Police (Delhi). Copy of this order be also sent to DCP (South) to ensure that the DVR as demanded by the CFSL Chandigarh be sent to CFSL Chandigarh at the earliest and result is obtained from CFSL Chandigarh without any delay.

List for PE on 30.08.2016.

SHO PS Vasant Vihar and Investigating Officer be summoned on the next date of hearing.

PW 28 HC Kulshresta be also summoned for the next date of hearing for his further examination.

Sandeep Yadav
Addl. Sessions Judge-03(South)
Saket Courts, New Delhi/03.08.2016