

CNR No. DLST01-005534-2024
SC No. 374 of 2024
State Vs Anoop Gaur & Ors.
FIR No. 292/2022
PS Sangam Vihar
07.02.2025

Present: Sh. L. D. Singh, Ld. Additional PP for the State.
All accused in person on bail.
Sh. Rinku Yadav, Ld. Counsel for all accused.
Sh. Pawan Gupta, Ld. Counsel for the complainant.

Matter is at the stage of arguments on application under Section 173(8) Cr.P.C. moved on behalf of the applicant-accused Amit Gaur.

In support of the application, Ld. Counsel has placed on record **Judgment dated 03.05.2024 of High Court of Delhi in Crl. Rev. P 809/2023 & Crl M.A. 20424/2023** titled as **Than Singh Dahiya & Anr. Vs The State (Govt of NCT Delhi)**.

Having perused the record of the case and the submissions made on behalf of the applicant-accused Amit Gaur and without commenting on the maintainability of the present application, it is observed that it is a settled position of law that all the material collected during the investigation has to be brought on record irrespective of whether the same is favouring the prosecution or the accused. In the case in hand, it is the plea of the applicant-accused Amit Gaur that on the day and time of the alleged incident, he was present at his home which can be verified from the CCTV footage and that he has been falsely named and charge-sheeted in the present case.

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Apropos to the aforesaid submission, W/SI Namita Phogat PS Sangam Vihar had filed reply containing the following points :

(i) Multiple person are seen in the CCTV Footage outside the house of accused Amit Gaur at C-1080, near Bhagat Singh Chowk, Sangam Vihar, ND, however, it is not clear whether the accused Amit Gaur is among them or not, however, the neighbour of accused Amit Gaur i.e. Ashok Chaudhary has identified a person to be Amit Gaur after watching the CCTV Footage.

(ii) It should also be noted that at around 11:10 PM and 11:30 PM, the accused persons (as testified by the accused's neighbour namely Ashok) can be seen at the door of his house. However, it can't be ruled out whether the CCTV Footage is capturing the video on actual time as the incident is two years old and it cannot be compared with live time. As, there is a possibility that the CCTV might have recorded the video at different time.

Considering the aforesaid reply, it is submitted on behalf of the State that the said CCTV footage ought to come on record in the form of supplementary charge-sheet so as to effectively adjudicate on the point of charge.

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In view of the aforesaid, let SHO PS Sangam Vihar be notified to depute an investigating officer to do the needful in regard to the CCTV footage as stated in the reply to the application under Section 173(8) Cr.P.C. filed by W/SI Namita Phogat PS Sangam Vihar in the form of supplementary charge-sheet and file further report on the next date of hearing.

Application under Section 173(8) Cr.P.C. stands disposed of in above terms.

List now for status of supplementary charge-sheet qua CCTV footage on 20.03.2025.

Copy of this Order be dispatched to SHO PS Sangam Vihar forthwith.

(Navjeet Budhiraja)
ASJ-02 (South)/ Saket Courts
New Delhi/07.02.2025