

CNR No. DLST-01-006600-2022

SC No. 341/2022

State Vs. Neeraj Dahiya & Ors.

FIR No. 1356/2014

PS Mehrauli

06.12.2022

Present: Sh. Santosh Kumar, Ld. Addl. PP for the State.
Accused Amer Chand and Satish on bail.
Accused Neeraj Dahiya absent.
Sh. Lalit Kumar, Ld. Counsel for all accused.

An exemption application of accused Neeraj Dahiya has been moved on the ground of ill health.

Heard. Record perused.

Accused Neeraj Dahiya is exempted from appearance only for today through the counsel present today in the Court on his behalf subject to the conditions that he shall have no objection if proceedings are conducted in his absence and that he shall not dispute his identity.

Perusal of record shows that in the chargesheet, the IO has mentioned names of four other persons who were involved in the crime. These four persons have been named as *(i) Saurabh Yadav, (ii) Jitender @ Sonu @ Anda, (iii) Sunil @ Bali, and (iv) Vinit @ Nitin @ Hakla*. The chargesheet further discloses that co-accused Saurabh Yadav was admitted to anticipatory bail on 12.09.2014. Further, notices u/s 160 Cr.P.C. were served at the addresses of these four co-accused but they did not join investigation. It is submitted in the chargesheet that investigation

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regarding these co-accused was going on and the supplementary chargesheet would be filed in respect of their roles.

The incident in question took place on 12.08.2014. Despite lapse of eight years, no supplementary chargesheet has been filed.

Perusal of the record further shows that prior to committal of the present case to this Court, vide Order dated 19.01.2021, Ld. ACMM, South had issued notices to all the IOs and SHO PS Mehrauli to make submissions regarding filing of the supplementary chargesheet in the present case in respect of the above mentioned four co-accused. The IO and the SHO did not appear before Ld. ACMM on 09.02.2021 on account of their appearance before Hon'ble High Court of Delhi.

On 09.02.2021, Ld. ACMM, South issued fresh notices to the current SHO PS Mehrauli, the then SHO Atul Kumar Verma, Ist IO SI Rajeev and IO SI Anurag Verma for 17.03.2021. On 17.03.2021, none of the above said police officers appeared before Ld. ACMM, South. SI Veer Singh appeared before the Court and filed reply regarding the reasons of delay. As per this explanation, the above said four co-accused did not join investigation and since around 100 investigations had been marked to him, he could not pursue the matter properly. He also submitted that because of marking of around 100 investigations to him, his transfer and illness, chargesheet could not be filed on time.

Fresh notices were again issued to IO SI Anurag Singh, current SHO, the then SHO Atul Verma and IO SI Rajeev. These police officers neither appeared nor submitted any explanation regarding the

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status of the above said four co-accused in the present case and what steps were taken when they could not be traced out.

Vide order dated 23.05.2022, Ld ACMM, South observed that the chargesheet in the present case had been filed after a lapse of more than 5 years since the registration of the FIR and despite lapse of more than two years supplementary chargesheet had not been filed. Fresh notices were again issued to SHO Atul Kumar, SI Veer Singh and SI Anurag Singh.

On 20.07.2022, the then SHO PS Mehrauli Sh. Atul Kumar appeared before Ld. ACMM, South and submitted that the supplementary chargesheet would be filed shortly. It is not clear whether or not the supplementary chargesheet has been filed regarding the roles of the above said four co-accused in the present case.

DCP, South is directed to explain the above explained lackadaisical attitude of the police officers in pursuing the present case and their non appearance before the Court of Ld. ACMM, South despite repeated notices. He shall also report whether or not the supplementary chargesheet in respect of co-accused, namely, (i) *Saurabh Yadav*, (ii) *Jitender @ Sonu @ Anda*, (iii) *Sunil @ Bali*, and (iv) *Vinit @ Nitin @ Hakla* have been filed. The DCP, South shall file his report on the NDOH.

Part arguments on point of charge have been addressed.

At request of State, let the last IO be also summoned through the DCP, South for the NDOH for making submissions on certain aspects

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of the case such as invoking section 365 IPC against the three chargesheeted accused persons and section 397 IPC against accused Satish and other related clarifications.

Now to come up for same and further arguments on point of charge on **21.02.2023**.

Copy of the Order be dispatched to DCP, South and the last IO for prompt compliance.

(VRINDA KUMARI)
ASJ-02/SOUTH/SAKET COURTS
NEW DELHI/06.12.2022