

SC No. 550 of 2023
State Vs Shiv Lal Singh & Ors.
FIR No. 342/2023
PS Maidan Garhi

02.01.2024

Present: Sh. L. D. Singh, Ld. Additional PP for the State.
IO/ACP Vinod Narang in person.

Heard. Records perused.

On perusal of the charge-sheet, it is noted that alleged complaint is dated 08.08.2023 in which the allegations of commission of offence under the SC / ST Act were also levelled against the accused persons apart from the offence under Indian Penal Code, 1860 but the FIR was registered under Section 354B /323/506/509/34 IPC and the relevant sections of SC / ST Act were not incorporated. It is submitted by the Investigating Officer that statement of the complainant was recorded under Section 164 Cr.P.C. on 12.10.2023 and thereafter, the relevant Sections of the SC / ST Act were invoked and the investigation was assigned to the Investigating Officer by DCP concerned vide Order dated 19.10.2023.

Apparently, there does not appear to be any valid and legal justification for not registering the FIR under SC / ST Act when in the initial complaint itself, specific allegations in relation to making casteist remarks were levelled against the accused persons.

In addition to above, it is also noted that in the initial complaint there was an allegation of snatching a gold chain of the mother of the complainant in regard to which also there is no mention in the charge-sheet. Investigating Officer submits that during the audio recording of the statement of the complainant no

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such allegation was made. Nonetheless, Investigating Officer seeks to conduct further investigation in this regard and if required, shall file supplementary charge-sheet as medical opinion on the MLC of the complainant and her mother is also awaited which is also to be submitted in the form of supplementary charge-sheet.

There is also an allegation of outraging the modesty of the complainant in her statement under Section 164 Cr.P.C. which prima facie attract Section 354 IPC but the same has also not been invoked in the charge-sheet.

There is sufficient material on record to take cognizance and summon the accused persons for offences punishable under Sections 354/354B/323/506/509/34 IPC and 3(1)(r)(s) of the SC & ST (Prevention of Atrocities) Act, 1989.

Cognizance is taken.

All accused persons have been charge-sheeted without arrest.

Issue summons to all accused persons through Investigating Officer for 07.02.2024.

Also issue summons to the complainant through the Investigating Officer for 07.02.2024.

List now for appearance of all accused persons and further consideration on **07.02.2024**.

(Navjeet Budhiraja)
ASJ-02 (South)/ Saket Courts
New Delhi/02.01.2024