

SC NO.274/2023

FIR No.854/2022

PS Khyala

STATE VS. Rajkumar & Ors.

U/s 323/506/308/509/34 IPC and SC/ST Act

06.10.2023

Present : Ms. Parul Singh, Ld. Addl. PP for the State.
IO/ACP Inderpal Singh in person.

IO/ACP Inderpal Singh has filed the supplementary chargesheet without arrest following the guidelines in the Judgment by Hon'ble Supreme Court of India in *Arnesh Kumar Vs. State of Bihar & Anr. in Crl. No. 9127/2013 decided on 02.07.2014*. However, the same judgment laid down the condition that if the IO takes the decision of not arresting the accused, then he must file a written intimation of the same before the Ld. Magistrate/Ld. concerned Court.

In the case in hand, the IO/ACP has not followed the said mandatory requirement. The proceedings under the SC/ST Act are sensitive in nature and IO/ACP has to follow the guidelines properly as laid down in the case of SC/ST Act.

In these circumstances, Let this be brought to the notice of concerned Addl. Commissioner of Police, West District, Delhi for his information and necessary action.

Put up the matter now on **22.11.2023**. Copy of the order be sent to the concerned for compliance.

(AMBIKA SINGH)
Spl. Judge(SC/ST Act)/ASJ-02
THC/West/Delhi
06.10.2023