

SC No. 56035/16
State Vs. Harbhajan Kaur & Anr.
FIR No. 254/2012
PS : Patel Nagar
U/s 302 IPC

12.02.2020

Present: Mr. Parvesh Kumar Ranga, Ld. Addl. Public Prosecutor for State.
All accused in person with Ld. Counsel Shri Jitender Sethi.
Shri Inderdeep Singh, Ld. Counsel for complainant.

PW-16 ASI Surjeet Singh and PW-18 Dr. B.N Mishra examined, cross-examined and discharged.

PW-17 SI Sunil Kumar partly examined-in-chief. Further examination-in-chief is deferred for want of laptop/system for running the CD in question.

Vide separate statement of Ld. Addl. Public Prosecutor, PW-Jaswinder Singh and Thakur Dass mentioned at serial number 5 & 20 respectively in the list of witnesses, are dropped.

During recording evidence of PW-17 SI Sunil Kumar, Ld. Addl. Public Prosecutor requested to defer examination-in-chief. It is submitted that the mobile phone from which the CD recording of dying declaration of deceased was made, was not seized by any of the Investigating Officers even though it was a primary piece of evidence.

CD is an important documentary evidence upon which the case of the prosecution rests to a very large extent. So, issue court notice to the DCP concerned for calling written explanation from all the Investigating Officers as to why the mobile phone in original was not seized by any of the Investigating Officers as the offence is triable U/s 302 IPC. Let explanation be forwarded to this Court by the DCP concerned after scrutinizing the same on next date of hearing.

Let all remaining prosecution witnesses alongwith IO and MHC(M) concerned to produce the case property on the next date of hearing.

List the matter for entire remaining PE on 06.03.2020.

(SUNIL BENIWAL)
ASJ/Spl. Judge (NDPS)
West District/THC/Delhi
12.02.2020