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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(CRL) 10/2023 & Crl.M.A.No. 103/2023**

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..... Petitioner

Through: Petitioner in person with Mr.Harsh
Prabhakar, Adv. (DHCLSC) with
Mr.Adeeb Ahmad, Advs.

versus

STATE OF NCT OF DELHI & ORS.

..... Respondents

Through: Mr.Sanjeev Bhandari, ASC for State
with ASI Laxmi, PS Palam Village.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

27.04.2023

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1. Learned counsel for the petitioner, in support of this prayer seeking directions to the CBI to further investigate certain aspects regarding allegations made in FIR No. 147 of 2021 under Sections 365/376D/377/328 and 34 of Indian Penal Code (IPC) registered at Police Station Palam Village, has adverted to the following brief background.
2. The petitioner was a part of the nursing staff at All India Institute of Medical Sciences (AIIMS) and while she was waiting near Palam, where she used to reside, for taking transport to AIIMS, on 13.04.2021 in the afternoon, she was whisked away in a white car and taken to west UP, Baghpat where she was allegedly gang raped by two men. These two men have neither been traced nor arrested so far.
3. Later, when she tried to escape in the fields, two other persons again gang raped her and later, pursuant to the investigation, was apprehended and



charge sheet has been filed against them and trial is ongoing. The grievance of the petitioner is that regarding the tardy investigation and that the two assailants have still not been identified or apprehended.

4. There is also an issue of the possible linkage of those persons to one Sachin Dhama, whom the petitioner was married to and was locked in a matrimonial dispute, *inter alia*, domestic violence complaints. Considering that the said Sachin Dhama was a resident of Baghpat and had a previous criminal record, learned counsel for the petitioner contended that it would have been incumbent for the investigation team to have pursued their investigation comprehensively and trace out possible links of two assailants with Sachin Dhama. However, there was not only delay in going into western UP, the initial statement of the complainant were not seized as recorded before the UP Police, no sketches were made till September 2021, despite numerous reminders of the petitioner and also the petitioner alleged that the police team had suggested to her not to take names of Dhamas, at the time of the registration of the FIR. However, she did state so and the names of the Dhamas are recorded in her statement under Section 164 Cr.P.C.

5. Notwithstanding the investigation which ensued, by the Delhi Police, and the charge sheet filed against the two subsequent assailants, the name of Dhamas viz., Sachin Dhama and his father was placed in Column 12.

6. Learned counsel for the petitioner submits that there is discrepancy in the statement of Sachin Dhama, who initially stated that he was at Baghpat at that time but later the CDR location was found near AIIMS on that particular day and time and he stated that it must be a loss of memory. Further, the FSL report is also available which has extracted DNA of some



of the assailants.

7. Learned counsel for the petitioner contends that it is an inter-state issue and probably needs more comprehensive large investigation team in order to trace and identify all other assailants and conspirators as well, as well as the possible linkage with Dhamas.

8. Learned ASC for State has pointed out the status report which has already been filed, but has fairly stated that he has to examine the LCR and will place his submissions. In view of the submissions made, he also states that he will file updated status report dealing with the said apprehension of the petitioner.

9. Accordingly, the digitalized copy of LCR be requisitioned and placed on record and copy of which may be provided to the counsel for the petitioner as well as the State, as and when requested.

10. The Registry may take steps to book mark digitalized copy of the LCR.

11. List on 19.07.2023.

12. In view of the facts & circumstances as stated above and at the request of learned counsel for the petitioner, the Trial Court may fix a date in the trial after the next date fixed before this Court.

13. Order be uploaded on the website of this Court.

ANISH DAYAL, J.

APRIL 27, 2023

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