

Advocate on that date, the Court proceeded further and observed and directed as follows:-

“ 18. The Police Department is free to take such disciplinary proceedings against the erring Police Officers as deemed necessary and befitting. The call records of all the police personnel involved with regard to arrest and detention of the petitioner no.1 on 17.04.2023 shall be sought from the respective service provider and preserved.

19. Directions have already been issued for preserving the CCTV footages of *Mahila Thana* NTD, Almora. It shall be ensured.

20. Annexure 29 of the writ petition is transcript of the CCTV footages of Mahila Thana, NTD, Almora. According to it, at 14:22:34, reference is made to a “Bhakuni Sir”. Who is this “Bhakuni Sir”? Call details record of “Bhakuni” Sir may also be made part of the investigation. It shall be sought from the service provider.

21. Having considered the allegations and material on record, this Court further directs that no further steps shall be taken pursuant to FIR No. 7 of 2023, under Sections 332, 353, 354 ad 186 IPC, Police Station Mahila Thana Almora till further orders. If investigation is pending, the investigation shall stop. If charge sheet has been filed, the concerned Court shall not proceed further with the matter.”

4. Today, a compliance affidavit has been filed by the State Government. The Court was told on 21.12.2023 that DIG, Kumaon, Nainital, has been marked with inquiry which is pending. Today a statement is given that DIG, Kumaon, Nainital did not conduct inquiry into the matter, and instead one Circle Officer had conducted inquiry.

5. It appears that the State Government one way or the other does not want to proceed with the case. There are allegations against the officers above the rank of Circle Officer. How could in such matters inquiry be entrusted to an officer of the rank of Circle Officer? Till date no action as such has been taken by the State Government. Although, it is stated that in an inquiry conducted by

Circle Officer, two officers were *prima facie* found guilty. The allegations are criminal in nature as well, but, till date no FIR has been lodged. Earlier also, an inquiry was conducted by one Circle Officer which is Annexure-49 to the petition.

6. But, the Court wanted to know from learned State counsel as to what is compliance affidavit. He would submit that there were certain directions to identify “Bhakuni Sir” and preserve the CCTV footages etc. Therefore, on that aspect it is a compliance affidavit and State has yet to file its objection.

7. Respondent nos.10, 13, 14, 15, 16, 17 and 19 have filed their objections.

8. Learning counsel appearing for respondent no.12 would submit that objections are ready and they will be filing during the course of the day.

9. Learned counsel for respondent no.11 would submit that today itself he receives the copy of the petition. He seeks time to file objections. Similarly other respondents who have not filed objections seek time.

10. Let all these respondents who have yet not filed their objections, file the objections within a week. A week, thereafter petitioner may file rejoinder, if any.

11. Learned State counsel has given a statement that within a week some concrete action may be taken by the State Government against the erring officers.

12. List this case for final hearing on 05.03.2024.

(Ravindra Maithani, J.)
13.02.2024

Nahid