

IN THE COURT OF SH. PANKAJ ARORA, MM-03, WEST/THC, Delhi.

FIR No. 247/16
PS: Maya Puri
21.07.2020

Present: Ld. APP for the State, present through video conferencing (Cisco Webex "Meeting ID No. 919211305").

Sh. J.K. Tripathi, Ld. LAC for the complainant present through video conferencing (Cisco Webex "Meeting ID No. 919211305").

Arguments heard on the point of protest petition filed on behalf of the complainant. Put up for orders at 3:00 p.m.



(Pankaj Arora)
MM-03 (West), THC, Delhi.
21.07.2020

At 3.00 p.m.

Brief facts as per the version of the complainant, recorded by the IO, are that on 07.08.2016 at about 9.00 p.m., while the complainant was cooking food in the kitchen, the accused Sanjay @ Shankar along with one neighbour namely Nitesh, and his brother namely Sh. Ajay came at her home and threatened her for dire-consequences if some outsider of Jhuggi, who used to visit the house of the complainant, is not stopped from entering therein. When the complainant tried to rescue herself by going out from Jhuggi, the above-mentioned persons had stopped her at the door and started beating her. On the basis of the said complaint and after receiving the result of MLC, the present FIR came to be registered for the offences punishable under Section 323/506/341/34 of IPC on 09.08.2016. Thereafter, the accused Ajay and Sanjay Mehto were arrested and released on bail as the offences were bailable in nature. The alleged Nitesh was not proceeded against as eye-witnesses namely Uday Kumar, Surjeet Mehto, Gyan Chand and Jitender Prasad had stated that the alleged Nitesh was not present at the time of incident. On the completion of investigation, the charge sheet was filed. However, cognizance of the offence was not taken. Meanwhile,

the complainant has also filed the protest petition after engaging legal aid counsel from the Office of DLSA. It is alleged in protest petition that on 07.08.2016 at about 9.00 p.m., on 07.08.2016 at about 9.00 P.M. the complainant was cooking food at her Jhuggi, in the meantime, her brother-in-law Sanjay @ Shankar S/o Sh. Lal Mahto alongwith other companion who were residing neighbourly namely Mitesh, Ajay and Ranju came and started abusing her. When she came out from Jhuggi, she saw three men and a women was standing outside the Jhuggi and were abusing her. When the complainant asked them the reasons for abusing her, Ajay pushed the complainant and she fell down on the earth, Ritesh and Ranju started beating.

It is further stated that accused Ajay and Mitesh pressed the breast of complainant many times and torn her clothes along with Ranju and pulled her Chunni. Due to beating, the complainant became unconscious. Thereafter, sister-in-law of Sanjay and brother-in-law of complainant took the complainant to DDU Hospital. On enquiry by the doctors on duty regarding history of assault, she was semi conscious and told them that she was beaten and her modesty was outraged. The doctor replied them that it was medico legal case and MLC should be prepared on these facts. The attendant had taken away the complainant from hospital to the home and they have torn the registration paper of DDU Hospital. The complainant could not sleep whole night due to pain.

It is further stated that on the next day morning, anyhow the complainant reached to P.S. at 10.00 a.m . for lodging the report. In spite of lodging the report, officials of P.S. suggested to get herself medically treated. The complainant again visited DDU Hospital where the complainant was treated. After treatment, the doctors have discharged her at 11.00 p.m., on request, she was allowed to stay in Hospital till morning. On the morning next, complainant visited police the station for lodging report where she was detained upto 5.00 PM. At 5.00 PM, without any enquiry, Officials of P.S. Maya Puri namely ASI Suresh gave a copy FIR to complainant. On reading the file, complainant asked A.SI Suresh that the details given by her are not mentioned in FIR whereupon ASI threatened her to leave police station.

It is further stated that the officials of Police had not brought the true facts

in the information report. She met SHO who too did not do anything. Thereafter, complainant wrote the facts to DCP, West on 17. 08. 2016 by copy of sending Commissioner of Police.

Reply to the said protest petition was called from the IO, who had reiterated the facts stated in the charge sheet. However, it is nowhere mentioned as to what instruction has been received by the IO from the DCP concerned to whom complaint dated 17.08.2016 was filed by the complainant. As per the MLC No. 7309 of DDU Hospital, it is apparent that the complainant remained in the hospital at least till 3.30 p.m.. No plausible explanation is given as to why the statement of the complainant was not recorded in the hospital itself. It is nowhere mentioned in the statement of the complainant recorded by the IO that eye-witnesses namely Jitender Prasad, Sujit Mehto, Uday Kumar and Gyan Chand were present inside the house of the complainant at the time of incident. Even as per the statement under Section 161 of Cr.P.C. of the eye-witnesses namely Jitender Prasad, Sujit Mehto, Uday Kumar and Gyan Chand, the time of the incident is nowhere mentioned. No effort has been made by the IO to ascertain and examine the people who took the complainant to the hospital. Under these circumstances, this court is of the opinion that the present case is required to be investigated further to ascertain the complete facts. Accordingly, SHO concerned is hereby directed to change the IO and get the present case further investigated by a police official not below the rank of Sub-Inspector. DCP concerned shall supervise the investigation. Put up for filing of further investigation report on 01.09.2020. With these observations, the protest petition filed on behalf of the complainant stands disposed of.

Copy of this order be sent to SHO & DCP concerned, and be supplied to Ld. LAC for the complainant through Whatsapp.

(Pankaj Arora)
MM-03 (West), THC, Delhi.
21.07.2020

CC No. 4418/18
PS Nihal Vihar
Surender Pal Vs. Vinod Kumar

(At 11:15 AM)

21.07.2020(PROCEEDINGS CONDUCTED THROUGH CISCO WEBEX APP MEETING ID
919211305)

Present: Ld. Counsel Sh. Naveen Singla for the complainant did not turn up in the Video conference (meeting ID No. 919211305) despite having been intimated by Ahlmad Sh. Ravi Khatri in his mobile phone no. 9811135465.

Record perused. Some clarifications are required from IO. Let, previous order be complied afresh for the NDOH.

Put up for further proceedings on 01.09.2020.



(PANKAJ ARORA)
M.M-03 (West), THC, Delhi

FIR No. 508/15
PS Mayapuri
State Vs. Suresh Aggarwal

(At 11:30 AM)

21.07.2020(PROCEEDINGS CONDUCTED THROUGH CISCO WEBEX APP MEETING ID
919211305)

Present: None for the State despite the fact that Ld. APP for the State has been intimated through Whatsapp by Ahlmad Ravi Khatri.
Ld. Counsel Ms. Rashmi for the accused .

Part arguments heard.

Ld. Counsel for the accused seeks some time to file written submissions as presently the chamber of the counsel is locked.

Accordingly,Put up for remaining arguments and also for filing of written submissions on court's e-mail ID i.e. mm03west @gmail.com on 20.08.2020.

Copy of this order be supplied to all concerned through Whatsapp


(PANKAJ ARORA)
M.M-03 (West), THC, Delhi

FIR No. 509/15
PS Mayapuri
State Vs. Cancellation

(At 11:45 AM)

21.07.2020(PROCEEDINGS CONDUCTED THROUGH CISCO WEBEX APP MEETING ID
919211305)

Present: None for the State despite the fact that Ld. APP for the State has been intimated
through Whatsapp.
Ld. Counsel Ms. Rashmi for the Complainant.

Part arguments heard.

Clarifications required from IO.

Previous order be complied afresh for NDOH.

Put up for further proceedings on 20.08.2020.

Copy of this order be supplied to all concerned through Whatsapp



(PANKAJ ARORA)
M.M-03 (West), THC, Delhi