

Misc. App. No.  
FIR No. 02/2020  
PS : Vigilance  
Shekhar Vs State

21.10.2020

Matter has been taken up in terms of order of Hon'ble High Court bearing No. 417/RG/DHC/2020 27.08.2020 as well as Office Order of Hon'ble District & Sessions Judge-cum-Special Judge (PC Act)(CBI), RADC, New Delhi bearing no. (i) E-10559-10644/Power/Gaz./RADC/2020 dated 28.08.2020, (ii) E-10927-11013/Power /Gaz./RADC/2020 dated 30.08.2020, (iii) MOM no.E.10648-10686/MOM/ Genl.Meeting/Lockdown/RADC/2020 dated 28.08.2020 & (iv) Power.Gaz./ RADC/2020/E-15009-15097 dated 26.09.2020.

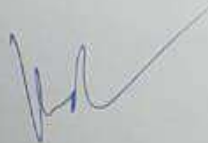
**Present :** Sh. Jagdamba Pandey, Ld. Addl. PP for the State.  
Sh. Arun Khatri, Ld. Counsel for the accused/applicant.  
ACP Partap Singh and IO Insp. Anil Sharma in person.

An application had been moved U/s 172 Cr.P.C. on behalf of accused/applicant Shekhar for production of case diary in Case FIR No. 02/20, PS Vigilance wherein it has been submitted that the FIR No. 02/2020 has been registered against the accused/applicant for misappropriation of case property seized in FIR no.423/2020, PS Jahangirpuri. It is further submitted that the contents of the FIR no. 02/2020, PS Vigilance are false and frivolous and accused/applicant has been falsely implicated in the present case. It is further submitted that the chances of the police officers tampering the case property are very high therefore, direction may be passed to produce the case diary maintained by the IO in the court on everyday so that scope of tampering does not arise.

IO has filed the reply/status report to the application. Copy of the same supplied to Ld. Counsel for the applicant/accused.

Arguments on the application heard.

Presently due to COVID-19, the courts are having limited hearing of cases through Physical Court and therefore, it is not possible that case diary be produced by the IO before court everyday. Even otherwise, if the IO has to come to court everyday to get case diary signed, when will he conduct the investigation.



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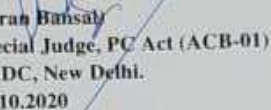
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In the interest of justice, it is directed that the IO shall produce the case diary alongwith seizure memo etc. in the court as and when court has physical hearing date as per the roster of the physical court.

Today the case diary having 122 pages are counter-signed by the court of which 54 pages are of case diary and page no. 55 to 122 are statement of witnesses U/s 161 Cr.P.C.

Application stands disposed off accordingly.

A copy of this order be given to IO for compliance.

  
(Kiran Bansal)  
Special Judge, PC Act (ACB-01)  
RADC, New Delhi.  
21.10.2020