

Court No. - 45

Case :- CRIMINAL MISC. WRIT PETITION No. - 16339 of 2023

Petitioner :- Rampal Singh

Respondent :- State Of U.P. And 6 Others

Counsel for Petitioner :- Onkar Nath

Counsel for Respondent :- G.A.

Hon'ble Vivek Kumar Birla,J.

Hon'ble Vinod Diwakar,J.

1. Instructions filed today by learned A.G.A. are taken on record.
2. Heard Sri Onkar Nath, learned counsel for the petitioner and Sri Ratan Singh, learned A.G.A. appearing for the State respondents.
3. The present petition has been filed with the following prayers:

"(i) Issue writ, order or direction in the nature of mandamus directing the respondent no.2 to transfer the investigation of First Information Report dated 12.08.2023 in Case Crime No. 0120 of 2023, under section 376(DA), 506 I.P.C. and section 5(G & 6) of POCSO Act, Police Station-Rohta, District-Meerut to another Investigating Officer except Circle Officer, Sardhana namely Shri Shiv Prakash and Station House Officer, Rohta, namely, Shri Ravindra Kumar Singh and proceed the fair and proper investigation within stipulated time, which this Hon'ble Court may deem fit and proper.

(ii) Issue a writ, order or direction in the nature of mandamus directing the respondent concern to arrest the accused respondent no.5 to 7 in the Case Crime No. 0120 of 2023, under section 376 (DA), 506 I.P.C. and section 5(G &6) of POCSO Act, Police Station-Rohta, District-Meerut, forthwith.

4. On 17.10.2023 following order was passed:-

"1. Heard Shri Onkar Nath, learned counsel for the petitioner and Shri G.P. Singh, learned A.G.A. for the State respondent.

2. The present petition has been filed with the following prayers:

"(i) Issue writ, order or direction in the nature of mandamus directing the respondent no.2 to transfer the investigation of First Information Report dated 12.08.2023 in Case Crime No. 0120 of 2023, under section 376(DA), 506 I.P.C. and section 5(G & 6) of POCSO Act, Police Station-Rohta, District-Meerut to another Investigating Officer except Circle Officer, Sardhana namely Shri Shiv Prakash and Station House Officer, Rohta, namely, Shri Ravindra Kumar Singh and proceed the fair and proper investigation within

stipulated time, which this Hon'ble Court may deem fit and proper.

(ii) Issue a writ, order or direction in the nature of mandamus directing the respondent concern to arrest the accused respondent no.5 to 7 in the Case Crime No. 0120 of 2023, under section 376 (DA), 506 I.P.C. and section 5(G &6) of POCSO Act, Police Station-Rohta, District-Meerut, forthwith."

3. At the very outset, learned A.G.A., on instructions, states that charge-sheet no. 125 of 2023 has been forwarded on 11.10.2023 in the matter.

4. We have gone through the instructions so received by the learned A.G.A. including medico legal opinion given by the expert. Learned A.G.A. may call for entire records through the Senior Superintendent of Police, Meerut, who shall go through the entire case diary and shall form his own opinion in case any further investigation is required in the present case in the light of the medico legal opinion as well as statement of the victim recorded under Section 164 Cr.P.C. and if needed, he is at liberty to issue suitable directions in terms of the prayer so made in the present petition and in the facts and circumstances of the case.

5. Put up this case as fresh on 02.11.2023."

5. On 9.11.2023 following order was passed:-

"1. Sri G.P. Singh, learned AGA submits that after the order of this Court dated 17.10.2023 he sent a letter to the authority concerned but he has not received any fresh instructions.

2. This reflects sorry state of affairs.

3. Learned AGA is directed to send a letter to the respondent no. 2-Senior Superintendent of Police, Meerut annexing therewith a copy of the order dated 17.10.2023 seeking fresh instructions in the matter.

4. Put up this case on 1.12.2023 as a fresh case.

5. It is made clear that in case instructions are not received under the signature of respondent no. 2-Senior Superintendent of Police, Meerut clearly stating therein that he has personally gone into the case diary as well as the statement recorded under Sections 161 and 164 CrPC, this Court may consider summoning the respondent no. 2 in person."

6. Today, Sri Ratan Singh has produced before this Court copy of the report submitted by Senior Superintendent of Police, Meerut dated 28.11.2023 annexing therewith several documents including the order dated 28.11.2023 passed by him under Section 173(8) Cr.P.C. directing further investigation and transferring the further investigation through Crime Branch, Meerut. The record further reflects that the Superintendent of Police, Crime vide order dated 30.11.2023 has deputed Sri Gurucharan Singh, Inspector, Detection Investigation Wing, Crime Branch Meerut for the

purpose of further investigation.

7. In such view of the matter, we find that no further orders are required to be passed in the present case.

8. In the light of aforesaid report, present petition stands disposed of.

Order Date :- 14.12.2023

Lalit Shukla