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* IN THE HIGH COURT OF DELHI AT NEW DELHI
+ CRL.REV.P. 339/2016
PRIYA ROHAN

..... Petitioner

Through Mr Amar Nath Saini, Adv.
versus

THE STATE & ORS

..... Respondent

Through Mr Akshai Malik, Additional Public Prosecutor
for the State alongwith Sub Inspector P.R.
Hudda Police Station Dwarka, Sector-23, Delhi

CORAM:
HON'BLE MS. JUSTICE SUNITA GUPTA

ORDER

% 06.05.2016

Crl. MA 7354/2016 (exemption)

Exemption allowed subject to all just exceptions.

The application stands disposed of.

CRL.REV P. 339/2016 & Crl. MA 7253/2016 (stay)

This is a revision petition under Section 397 Cr.PC moved by the petitioner for setting aside the impugned order dated 16.03.2016 passed by learned Additional Chief Metropolitan Magistrate (SW), Dwarka Courts, Delhi whereby direction has been given for further investigation into the matter which be monitored by the ACP concerned.

Learned counsel for the petitioner has led the court through the order-sheet dated 27.02.2016 for referring to the conduct of the Investigating Officer of the case wherein it is mentioned that the Investigating Officer remained absent and does not appear unless warrants are issued and, therefore, concerned ACP was directed to clarify his conduct. Thereafter, impugned order has been passed for carrying out further investigation. By virtue of this petition, the petitioner has prayed for setting aside the order dated 16.03.2016 by learned ACMM and for taking cognizance against the person named in the FIR on the basis of material provided by the petitioner to initiate proceedings against the Investigating Officer of the case and to requisition the Trial Court record pertaining to closure report.

On advance notice, Mr Akshai Malik, Additional Public Prosecutor for the State appears and submits that although the allegations are against the Investigating Officer of the case, however, no complaint has been placed on record. In this regard, learned counsel for the petitioner led the Court through the conversation between the petitioner and the Investigating Officer of the case and to further submits that when the statement under Section 164 Cr.PC of the

complainant was to be recorded, the Investigating Officer had even called the accused persons whereas there was no requirement under the law.

Be that as it may, without going into this controversy, since further investigation has been ordered by the learned Metropolitan Magistrate, therefore, in view of the cardinal principles of natural justice that justice shall not only be done but must appear to be done, SHO concerned is directed to transfer the investigation to some other Investigating Officer. Needless to say, ACP concerned shall monitor the investigation.

In view of this order, counsel for the petitioner submits that he does not press the other reliefs.

The petition stands disposed of accordingly.

Pending application also stands disposed of.

SUNITA GUPTA, J

MAY 06, 2016/*rd*