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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(CRL) 1560/2016**

JAI PARKASH @ LALU

..... Petitioner

Through: Mr. R.P.S Bhatti, Advocate

versus

THE STATE (NCT OF DELHI)

..... Respondent

Through: Mr. Sanjay Lao, ASC a/w SI Praveen
Kumar, PS Mandawali

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

ORDER
26.07.2016

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The petitioner has preferred the present petition to assail the order dated 30.03.2016 passed by the Hon'ble Lt. Governor, Delhi in Appeal No.16/2016 titled as Jai Prakash @ Lalu v. Additional Commissioner of Police, Dist. East, Delhi, whereby the petitioners appeal against the order dated 07.01.2016 passed by Addl. DCP-I (E) of externment beyond the limits of NCT of Delhi for a period of one year has been dismissed.

The Addl. DCP-I (East) passed the order dated 07.01.2016 under Section 50 of the Delhi Police Act on the premise that the petitioner was alleged to be involved in 8 cases. Of the said 8 cases, in 3 of them, the status was "untraced". While the investigation was pending in relation to

FIR No.594 dated 19.11.2013 under Section 394/427/341 at PS Mandawali, in four other cases, the trial was pending arising out of FIR No.527 dated 19.08.2014, FIR No.540 dated 26.08.2014, FIR No.545 dated 28.08.2014 and FIR No.568 dated 11.09.2014 – all registered at PS Preet Vihar. These cases pertained to offences, inter alia, under Section 379/392/356 IPC.

The submission of learned counsel for the petitioner is that the impugned order is extremely harsh. He submits that there is no purpose to include the untraced cases in the list and that the same has been included to inflate the number of cases against the petitioner. He further submits that the petitioner has not been convicted in any case till date. Learned counsel submits that his externment would cause grave inconvenience not only to the petitioner who would not be able to earn a living, but also his old parents.

Having perused the order dated 07.01.2016 passed by Addl. DCP-I, the order dated 30.03.2016 passed by Hon'ble Lt. Governor, having heard learned counsel for the petitioner as well as the learned ASC and having perused the counter affidavit, I am of the view that there is absolutely no merit in the present petition. The requirement under Section 47 of the Delhi Police Act is not that the person against whom action is taken should have been convicted of the offences alleged against him. It should appear to the Commissioner of Police, inter alia, that there are reasonable grounds for believing that the person is engaged or is about to be engaged in commission of offences involving force or violence or an offence punishable under Chapter XII, XVI, XVII of XXII of IPC or under Section 290 or Sections 489A to 489E (both inclusive of the Code or in the abetment of any such offence. Where the Commissioner of Police is of the opinion that witnesses are not willing to come forward to give evidence against such person by

reason of apprehension on their part as regards their safety, he may order that such person should remove himself from Delhi or any part thereof.

In the present case, the involvement of the petitioner in the aforesaid five cases, even if the three cases where no material has been found against the petitioner are to be excluded, in my view, is sufficient ground to take action against the petitioner under Section 47 read with 50 of the Delhi Police Act.

The DCP has considered the statements of the witnesses recorded in camera before satisfying himself that witnesses are not willing to come forward to make statements in public against the petitioner due to the apprehension with regard to safety of their person and property. The Hon'ble Lt. Governor has also concurred with the findings of the DCP, as aforesaid.

For all the aforesaid reasons, I find no merit in this petition. Dismissed.

VIPIN SANGHI, J

JULY 26, 2016

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