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

+ **W.P.(CRL) 2342/2016**

DR. D.K. AGARWAL

..... Petitioner

Through: Dr. Harshvir Pratap Sharma, Pankaj
Kumar, Ajay Sharma and Rajesh
Tiwari, Advocates

versus

UNION OF INDIA & ORS

..... Respondent

Through: Mr. R.S. Kundu, ASC with Insp
Maninder Singh and Vijender Singh
Mrs. Bharati Raju, CGSC with C.
Rubavati for R-1

CORAM:
HON'BLE MR. JUSTICE VIPIN SANGHI

ORDER
10.08.2016

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Crl. M.A. No.12236/2016

Exemption allowed, subject to all just exceptions. The application stands disposed of.

W.P.(CRL) 2342/2016 & Crl.M.A. No.12235/2016

Issue notice. Mr.Kundu accepts notice. By this petition, the petitioner seeks a direction to transfer the investigation in case FIR No.268/2016 under Section 120B/419/420/468/471 IPC dated 03.06.2016 and FIR No.298/2016 under Section 120B/419/420/468/471 dated 18.06.2016 from the special

investigation team of the Delhi Police to the appropriate authority at Delhi under the Transplantation of Human Organs and Tissues Act, 1994 (the said Act).

I may at this stage observe that the aforesaid FIR also alleges commission of offence under Section 18, 19 and 20 of the said Act.

The matter was heard at some length yesterday.

Mr. Kundu has pointed out that the police has already applied to the Appropriate Authority under the said Act for permission to carry out further investigation and to file a complaint in accordance with section 22 of the said Act. That permission is awaited.

Mr. Kundu submits that all that the police has done is to issue a notice to the petitioner under Section 160 Cr PC. He submits that the police would not arrest the petitioner without due compliance of law. He has further submitted that the police has no objection to the petitioner travelling within the country. The passport has already been voluntarily surrendered by the petitioner to the police.

The aforesaid statement of Mr. Kundu, which is made on instructions, satisfies the petitioner.

The petition stands disposed of in the aforesaid terms. Dasti.

VIPIN SANGHI, J

AUGUST 10, 2016

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