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

+ W.P.(CRL) 2913/2016
MOHD YAMEEN

..... Petitioner

Through :Mr. Rahul Gupta, Mr. S. Tabrez and
Mr. Shekhar Gupta, Advs.

Versus

STATE (GOVT OF NCT OF DELHI) & ORS. Respondents

Through :Mr. Rahul Mehra, Standing Counsel
with Mr. Jamal Akhtar, Adv.

CORAM:
HON'BLE MR. JUSTICE A.K. PATHAK

ORDER
% **02.12.2016**

W.P.(CRL) 2913/2016 & Crl. M.A. No. 15564/2016

By this writ petition under Article 226 of the Constitution of India, petitioner has prayed that respondent no. 1 be directed to provide protection to him as he apprehends threat to his life from the hands of notorious gang of criminals, operating in the area of Okhla Sabzi Mandi. It is alleged that petitioner apprehends danger to his life from Saleem Kitoria @ Kalua, Shafeeq @ Bawla and Rizwan @ Jojo, who are dreaded criminals.

Petitioner is engaged in the wholesale business of selling onions from

shop no. 124, Okhla Sabzi Mandi. Petitioner also has a licensed revolver. It is submitted that on 24th July, 2016, Rizwan @ Jojo along with his accomplices stopped the petitioner near Alisafa Hospital, when petitioner was returning home from the Sabzi Mandi, and forcibly snatched his revolver and gave him beatings. FIR No. 758/2016 under Sections 394/34 IPC was registered at Police Station Jamia Nagar. After the said incident, Saleem Kitoria @ Kalua has started threatening petitioner's son also with dire consequences. Petitioner also received a threat call from an anonymous mobile number 9023394827.

Vide order dated 3rd October, 2016 respondent no. 2 was directed to ensure the safety of petitioner, after assessing the threat perception.

In the counter affidavit, respondent no. 2 has admitted about lodging of the FIR No. 758/2016 under Sections 394/34 IPC at Police Station Jamia Nagar by the petitioner. It has also been stated that petitioner has disclosed the names of Saleem Kitoria @ Kalua, Shafeeq @ Bawla, Raza and Rizwan @ Jojo in his statement under Section 161 Cr.P.C. In the said FIR Rizwan @ Jojo and Shafeeq @ Bawla were arrested and the revolver of petitioner was recovered from Rizwan @ Jojo. Vehicle used in the crime was also recovered from Farukh. On 15th November, 2016 Saleem Kitoria @ Kalua

and Shafeeq @ Bawla surrendered before the Court; while co-accused, namely, Bilal, Mohan and Raza are absconding. Further that Rizwan @ Jojo has a criminal background and is involved in about ten cases in Delhi and U.P. Saleem Kitoria @ Kalua and Shafeeq @ Bawla are also involved in the FIR No. 272/1995 under Sections 302/34 IPC registered at Police Station Kotwali Khurja. It is categorically stated that protection has been given to petitioner at his residence and in the area of Police Station Jamia Nagar through the beat staff and division staff and pursuant to the order dated 3rd October, 2016 passed by this Court, staff of Police Station Amar Colony has also been alerted. It is further stated that for appropriate evaluation of the threat perception, the matter has been sent to Special Branch, Delhi Police.

In the above facts and circumstances, this writ petition is disposed of with the directions to the respondent no. 2 to ensure the safety of petitioner within the territorial bounds of Delhi, after assessing the threat perception. Miscellaneous application is disposed of as infructuous. Dasti.

A.K. PATHAK, J.

DECEMBER 02, 2016

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