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

+ W.P.(CRL) 2009/2015 & CrI. M.A. 13406/15

ALISHAN

..... Petitioner

Through: Mr.Anand Maheshwari, Advocate.

versus

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

Through: Ms.Kamna Vohra, A.S.C. for the
State

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

% **09.05.2016**

1. The petitioner has invoked the writ jurisdiction of this Court with the following Prayer:-

“Issue an appropriate writ, order and/or direction in the nature of Mandamus and/or any other appropriate writ, order and/or direction of the like nature in favour of the petitioner and against the respondents thereby directing the respondent No. 3 to remove the name of the petitioner from their surveillance register maintained at Police Station, Sadar Bazar, Delhi, wherein the name of the petitioner has been shown to be the B.C. of the area, to remove the photographs of the petitioner displayed on the notice board of Police Station Sadar Bazar, Delhi and also to remove the name of the petitioner as B.C. of the area of Police Station Sadar Bazar, Delhi.”

2. Status report has been filed by the State to the effect that the petitioner is a history Sheeter of PS Sadar Bazar vide History Sheet No.294 of Bundle – A. He was arrested first time in case FIR No. 266/94, under

Section 307/34 IPC, PS Sadar Bazar, Delhi and case FIR No. 267/94, under Section 25/54/59 Arms Act, PS Sadar Bazar, Delhi as he attacked one Mohd. Shahid with a knife. He was again arrested in case FIR No. 41/95, under Section 308/34 IPC, PS Sadar Bazar, Delhi for attacking Mohd. Nadeem. Thereafter on 23.05.1995, he was arrested in case FIR No. 249/95, under Section 25/54/59 Arms Act, PS DBG Road.

3. It is reported that in view of increase in criminal activities, on 07.09.1995 name of the petitioner Alishan was entered in Register No. 10, Part-II, at Serial No. 194 and in Register No. 11 at Serial No. 294 for maintaining constant surveillance on his criminal activities.

4. In the status report, it is also mentioned that even in the year 2004, he was arrested in case FIR No. 250/04, under Section 147/148/149 IPC, PS Sadar Bazar; FIR No. 291/04 and under Section 307 IPC, PS Sadar Bazar, Delhi. In the year 2010 he was arrested in FIR No. 103/10, under Sections 354/384/511/385/34 IPC, PS Bara Hindu Rao, Delhi. The petitioner was again arrested in FIR No. 26/13, under Section 323/341/34 IPC, PS Sadar Bazar, Delhi.

5. Learned APP for the State has submitted that taking into consideration his crime record and activities, there is need to keep him under constant surveillance.

6. Brief written synopsis filed by Mr. Anand Maheshwari, learned counsel for the petitioner contains the details and current status of the cases in which the petitioner had been involved. Mr. Anand Maheshwari has submitted that in case FIR No. 266/1994 petitioner was convicted only under Section 324/34 IPC and released on probation for two years and in most of the cases he stands acquitted.

7. Learned counsel for the petitioner has submitted that as on date, petitioner is facing trial in following three criminal cases.

S.No.	Case No.	Under Section
1.	FIR No. 250/2004, PS Sadar Bazar.	147/148/149 IPC
2.	FIR No. 103/2010, PS Sadar Bazar.	354/384/511/385/34 IPC
3.	FIR No. 26/13, PS Sadar Bazar	325/452/506 IPC

8. Learned counsel for the petitioner further submits that the latest involvement of the petitioner is in the year 2013 and considering the fact that in most of the cases he has been acquitted, directions may be issued for deleting the name of the petitioner from the surveillance registers and also from the board of the police station as BC of the area.

9. Learned counsel for the petitioner has referred to the Punjab Police Rules 23.4 and 23.9(2) which read as under:

“Punjab Police Rules 23.4 and 23.9(2), under Rule 23.4 four categories of persons can be entered in Part II of Surveillance Register:-

- a. Persons who have been convicted twice, or more than twice of offences mentioned in rule 27.29;*
- b. Persons who are reasonably believed to be habitual offender or receivers of stolen property whether they have been convicted or not;*
- c. Persons under security under Section 109 or 110, code of Criminal Procedure; and*
- d. Convicts released before the expiration of their sentences under the prisons act and remissions rules without the imposition of any conditions;”*

10. Learned counsel for the petitioner submits that petitioner does not fall in any of the categories mentioned therein.

11. Involvement of the petitioner in criminal cases started in 1994 when he was arrested for committing offence punishable under Section 307/34 IPC as well under Arms Act, though he was convicted for committing

offence punishable under Section 324/34 IPC. Thereafter also the petitioner had been involved in various other cases out of which in three cases he is still facing trial, latest being registered against him in the year 2013 for allegedly committing offence punishable under Sections 325/452/506 IPC.

12. Taking into consideration that the petitioner is involved in criminal activities right from 1994 till 2013, he cannot claim that he is not a habitual offender. Acquittal in some cases is not a ground to delete the name of the petitioner from the name of the bad characters. Finding no merits, the prayer of the petitioner for removal of his name from the surveillance register of PS Sadar Bazar wherein he has been shown to be BC of the area cannot be granted.

13. The writ petition stands dismissed.

PRATIBHA RANI, J.

MAY 09, 2016

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