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

+ **W.P.(CRL) 681/2017 & CrI.M.A.3690/2017**

VISHAL YADAV

..... Petitioner

Through : Ms. Archana Pathak Dave, Ms. Ankita
Chaudhary Rathi and Ms. Radhika
Sharma, Advs.

versus

GOVT OF NCT OF DELHI & ORS.

..... Respondents

Through : Mr. Sanjay Lao, ASC for Mr. Ashish
Aggarwal, ASC with SI Sandeep
Shrivastava and ASI Shesh Dhar PS
Maurya Enclave.

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

% **03.03.2017**

CrI.M.A.3691-92/2017 (Exemptions)

Allowed, subject to all just exceptions.

Applications are disposed of.

W.P.(CRL) 681/2017

Petitioner has prayed that respondent nos.1 & 2 be directed to initiate an inquiry regarding the illegal detention and arrest of petitioner on 13th July, 2016 by the respondent nos.3 to 5. Further that, disciplinary action be ordered against the respondent nos.8 & 9. Compensation of ₹15 lacs has also been claimed.

Arguments heard and voluminous record annexed with the petition and also the documents produced by the learned Additional Standing Counsel

perused. It is revealed that that petitioner was arrested by the Delhi Police on 13th July, 2016 at 8:30 pm, pursuant to the letter received by the Commissioner of Police from the Superintendent of Police, District Kota, Rajasthan, whereby it was informed that petitioner was required in eight cases and he was absconding. Delhi police was requested to arrest the petitioner. Further, that petitioner was medically examined at 2 O'clock in the intervening night of 13th/14th July, 2016 and thereafter, was produced before the Duty Magistrate, Rohini Courts, Delhi within 24 hours, that is, on 14th July, 2016. SI Suraj Pal Singh PS Gumanpura, Kota, Rajasthan appeared before the Duty Magistrate, Rohini Courts, Delhi and petitioner's custody was handed over to him pursuant to the order dated 14th July, 2016 passed by the learned Duty Magistrate. A perusal of order shows that the learned Magistrate was satisfied with the grounds of arrest. Petitioner was produced in court vide a kalandra, which was disposed of after custody of petitioner was handed over to Rajasthan Police. It is not in dispute that eight FIRs are there against the petitioner.

Learned counsel for petitioner submits that section 41A of Cr.P.C. was not followed, thus, detention is alleged. Reliance has been placed on D. K. Basu Vs. State of West Bengal, AIR 1997 SC 610, Rini Johar & Ors. Vs. State of M.P. & Ors., (2016) 5 SCALE 780 and Arnesh Kumar Vs. State of Bihar & Anr., (2014) 8 SCC 273. I find the judgments to be in the context of

the different facts. In this case I find that petitioner was arrested on the request of Rajasthan police, when he was involved in eight cases and after his arrest was medically examined and produced in court.

For the foregoing reasons, petition is dismissed. Miscellaneous application is disposed of as infructuous.

A.K. PATHAK, J.

MARCH 03, 2017/dk