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

+ **W.P.(CRL) 1454/2013**

PRAVEEN KUMAR AGGARWAL

..... Petitioner

Through: Mr. Rajesh Tyagi & Mr. Harsh
Khanna, Advocates.

versus

STATE & ORS

..... Respondents

Through: Mr. Rajesh Mahajan, ASC along with
ASI Prabhakaran, PS-Chhawla, for
the State.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

ORDER

03.03.2017

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The petitioner has preferred the present writ petition to seek the following substantial reliefs:

“(i) Direct the Respondent No.2 to implement the orders dated 25.8.2010, passed by the Court of Ms. Mamta Tayal, ASJ, Dwarka, New Delhi, in SC No.14/10, titled State versus Praveen Kumar Aggarwal, and carry out the investigation into tampering of the forensic evidence in the case.

(ii) Direct the Respondent No.1 to register a case against its erring officials for entering into criminal conspiracy to implicate the Petitioner, alongwith other private parties.

(iii) Award appropriate compensation, as public law remedy, for deprivation of the Petitioner, at the hands of the state officials, of liberty, freedom and dignified life, i.e. violation of the fundamental rights, guaranteed to the Petitioner, under Article 21 of the Constitution of India.”

The aforesaid reliefs were sought by the petitioner in the background that he was an accused in case FIR No.72/2008 registered at PS – Chhawla under Section 376 IPC. He was acquitted by the Trial Court, and while acquitting the petitioner accused, the Trial Court made observations with regard to the report furnished by the FSL and directed an investigation by the Director, FSL to be undertaken. The petitioner was aggrieved that despite the said direction, no investigation had been done to unearth the reasons for making a false report by the FSL in the said case.

It appears that the FSL furnished a report dated 20.01.2011 before this Court, which was found to be unsatisfactory. On 17.03.2015, this Court directed the FSL to file a detailed status report after conducting an inquiry in terms of the order of the Trial Court dated 25.08.2010 in SC No.14/2010 titled *State Vs. Praveen Kumar Aggarwal*.

The State has now filed a status report on 11.08.2015 dated 10.08.2015. Along with the said status report, report of the inquiry committee consisting of three senior officers of the FSL has been placed on record. The said report has been perused by the Court in its entirety.

The submission of learned counsel for the petitioner is that even the said inquiry report leaves several unanswered questions. The gist of the report furnished by the inquiry committee is that the reporting officer V. Shankaranarayanan, SSO (Bio.), who was at the relevant time SSA (Bio.), was involved in the process of testing of samples relating to different cases on the same day when the testimony of samples in relation to the case FIR No.72/2008 was also undertaken by him. On account of handling of samples of different cases on the same day, in the report prepared by him originally the seal had been recorded as that of DJRM Hospital instead of

RJRM Hospital. When this fact was brought to his notice and a fresh correct report desired by the police, he corrected the mistake by changing the seal to that of RJRM Hospital in the original report by applying correction fluid. He also took out a fresh print-out of the report prepared by him with the corrected description of the hospital description seal. He did not retain the original report as prepared by him with the incorrect description of the seal. The inquiry report finds that there was no mala fide on the part of the said officer and he did not realise the gravity of his actions. The inquiry report also disclosed that the inquiry committee examined the fact sheets and the test reports to verify the report prepared by the said officer and did not find anything amiss.

In view of the aforesaid, in my view, the investigation as contemplated by the order dated 25.08.2010 passed by the learned ASJ, Dwarka in SC No.14/2010 stands undertaken. If the petitioner is not satisfied with the same, or otherwise wishes to pursue his remedies to seek registration of a case of criminal conspiracy and also to claim compensation, it is open to the petitioner to take appropriate steps in accordance with law for the said purpose.

The petition stands disposed of in the aforesaid terms.

VIPIN SANGHI, J

MARCH 03, 2017

B.S. Rohella