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IN THE HIGH COURT OF DELHI AT NEW DELHI

Decided on : 12th May, 2017

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W.P.(CRL) 3325/2016 and Crl. M.A. 18049/2016

DEEPIKA SHARMA

..... Petitioner

Through: Mr. Anurag Jain and Mr. M.M.
Khan, Advocates

versus

STATE (GOVT. OF NCT OF DELHI) &

ORS.

..... Respondents

Through: Mr. Sanjay Lao, ASC with Mr.
Siddarth Sindhu and SI Ram Kishan

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER (ORAL)

1. The present petition was filed primarily to seek transfer of the investigation of case FIR no. 382/2016 registered on 23.10.2016 in police station Geeta Colony under Sections 302, 34 IPC and Sections 25 and 27 of the Arms Act concerning the homicidal death of Vinod Kumar Sharma, the petitioner being his wife.

2. The FIR and the initial reports of investigation indicated that there was no eye witness to the occurrence. The petitioner gave some inputs on the basis of CCTV footage indicating presence of the persons she suspects to be involved.

3. By earlier order dated 14.12.2016, the investigation of the FIR was transferred from the local police of Crime Branch of Delhi Police.

The Investigating officer deputed by the crime branch has since submitted two reports. The reports have been perused.

4. It appears that during the investigation by the local police four persons were arrested, they being Akash Chauhan, Mohd. Kamil, Mohd. Kamar and Mohd. Nazim. During the investigation by Crime Branch, four more persons have been arrested, they being Dilshad, Farookh Mazhar, Bilal Tansir and Babu Waseem, the last arrest having been effected on 18.04.2017. Pursuant to the earlier directions, two of the suspects named by the petitioners, they being Kush and Sumit were subjected to polygraph test. The report of such polygraph test, however, so far has not resulted in any input as could lead to some cogent material or evidence being discovered showing their complicity.

5. The petitioner's insistence in that the above-said persons ought to have been arrested and subjected to custodial interrogation in as much as there is clear evidence of financial dealings between them and the deceased person in addition to other evidence. The Investigating officer, however, submits through the additional standing counsel that the antecedents of the deceased as also some members of his family are also to be kept in view and, in that light, mere financial dealings cannot be sufficient to take the case further against the persons the petitioner holds suspect.

6. The Investigating agency has already filed two reports under Section 173 Cr. PC in the court of the Magistrate against the eight persons who have been arrested. Thus, the proceedings against them

on the basis of charge-sheets submitted are already underway. The Police is undertaking further investigation primarily in light of the allegations made by the petitioner.

7. In this fact situation, it would be proper that the task of monitoring the further investigation and giving appropriate guidance thereto is entrusted to the court of the Metropolitan Magistrate in terms of *Sakiri Vasu Vs. State of U.P. and Ors.*, (2008) 2 SCC 409. Ordered accordingly. The petitioner is at liberty to assist the investigating agency, either directly or through the court of the Metropolitan Magistrate, in the matter.

8. With these observations, the petition and the pending application are disposed of.

MAY 12, 2017

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R.K.GAUBA, J