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

+ **W.P.(CRL) 599/2018**

SHAMSHU DEEN & ORS

..... Petitioners

Represented by: **Mr. Rishi Pal Singh, Advocate.**

versus

THE STATE GOVT OF NCT OF DELHI & ORS Respondents

Represented by: **Ms. Nandita Rao, Additional
Standing Counsel for State.**

**Ms. Swagata Bhuyan and Ms.
Shiva Pandey, Advocates for
Ms. Mini Pushkarna, Standing
Counsel, North
DMC/Respondent No.4.**

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

30.08.2018

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1. By this petition the petitioners inter alia pray for transfer of investigation in case FIR No.36/2018 under Sections 285/337/304 IPC read with Section 9 (B) of Explosives Act, 1884 registered at PS Shahbad Dairy, Delhi; recording of statement of victim Roop Prakash under Section 164 Cr.P.C.; also to record the statement of all the other victims and their family members; to add appropriate penal provisions and initiate proper actions against the officials of the civic agencies, that is, Fire Department, Labour Department and NDMC who failed to perform their duty.

2. Above noted FIR emanates from a PCR call received on 20th January, 2018 regarding a fire in factory No. F-83, Sector-5, DSIIDC, Bawana. On

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reaching the spot, it was revealed that the fire had broken out in the said factory premises and fire tenders had already reached the spot. At about 8.30 PM four dead bodies and two injured were shifted to M.V. Hospital. As a result of the fire 17 persons died, one injured Roop Prakash was admitted in BSA Hospital and one injured Sunita was admitted in LNJP Hospital. The investigation was transferred to Crime Branch wherein it was revealed that Uma Mittal was the owner of the premises F-83, DSIIDC, Sector-5, Bawana, Delhi, where her husband Manoj Jain and son Ashish Jain were running the factory. Though statement of Sunita, one of the injured lady was recorded however, she could not give complete details. Thereafter statement of Roop Prakash was recorded who stated that on the day of incident Lalit Goyal and Rinku, Son of Manoj Jain were present at the spot and locked the main gate of the factory from outside. He also stated that there were four partners in the said cracker manufacturing factory located at O-6, Sector-5, DSIIDC, Bawana, Delhi. The names of the four partners were revealed as Manoj Jain, Lalit Goyal, Kale and Harish. Reports from the Fire Department, Electricals Inspectors were called and the factory was found to be unlicensed and had no license either from the Fire Department or Municipal Corporation of Delhi and since there was no complaint from the workers, the Labour Department had not inspected the premises.

3. Be that as it may, after investigation Manoj Jain, Ashish and Lalit Jain, three persons running the factory have already been arrested and are on bail granted by the Court. After investigation the Investigating Officer has already filed charge sheet impleading the above three named persons as accused and keeping the officers of civic agencies in Column No.12 as no

cognizable offence was found qua them, though it was a case of negligence on their part.

4. Considering the fact that charge sheet has already been filed, this Court finds no ground to transfer the investigation to CBI. As noted above the statements of the victims, particularly Roop Prakash have already been recorded under Section 164 Cr.P.C. and officers of the civil agencies have been kept in Column No.12.

5. Petition is disposed of.

MUKTA GUPTA, J.

AUGUST 30, 2018
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