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

+ W.P.(CRL) 2179/2016

MALTI DEVI

..... Petitioner

Represented by: Mr. Nikhil Malhotra and Mr.
Pankaj Nanda, Advocates.

versus

STATE OF NCT OF DELHI & ORS

..... Respondents

Represented by: Mr. Avi Singh, Additional
Standing Counsel for the State
and Mr. Shashank Vachher,
Advocate with SI Virendra
Singh, PS South Avenue, New
Delhi.
Mr. Narender Mann, Spl. P.P.
for CBI with Mr. Manoj Pant,
Advocate.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

04.04.2018

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1. Petitioner is the wife of late Kameshwar Singh, who died in an unfortunate incident on 28th October, 2013 after falling down from an iron support system from a height of 15 feet at house No. 3, Tyagraj Marg, New Delhi.
2. By this petition the petitioner seeks further investigation in case FIR No. 191/2013 under Section 304A IPC registered at PS Chankya Puri, Delhi and that the matter be investigated by an independent agency like CBI or a senior officer.

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3. An information was received at Police Post South Avenue, New Delhi on 29th October, 2013 at 1.15 AM informing that on 28th October, 2013 an inquiry was entrusted to the police officer regarding a person falling down.

4. Statement of complainant Pintu Kumar, son of Shiv Chandra Singh was recorded, according to which one Kameshwar, husband of the petitioner aged about 35 years along with his contractor Naresh were working at House No. 3, Tyagraj Marg, Delhi on 28th October, 2013 when Kameshwar died due to fall from height. Body of the deceased Kameshwar Singh was reported to be at Indo Gulf Hospital, B-498, Sector-19, Noida, Uttar Pradesh.

5. Grievance of the petitioner is that immediate steps were not taken for medical treatment of the deceased and in a callous manner investigation has proceeded, as there was no justification for taking the deceased while he was injured to a distant place resulting in his diminishing chances of survival.

6. After registration of the FIR statements of relevant witnesses were recorded, site plan was prepared and MLC was also got prepared. As per the report of the autopsy surgeon the cause of death was opined to be Cranio cerebral injury as a result of blunt force/surface impact to the head. During the course of investigation it was also revealed that the deceased was taken to Indo Gulf Hospital, Noida, Uttar Pradesh at around 12.30 itself and not at 8.00 PM on the next day, thus the travel time, if at all was the time which could have harmed the deceased.

7. Subsequent opinion from the post mortem doctors was also taken with the query ‘whether delay in administering medical assistance to deceased contributed or caused death to the deceased.’ To the said query the opinion

of the Forensic Expert is that the delay in medical assistance after the incident to the deceased could aggravate the agony of the deceased.

8. Considering the nature of allegations, the investigation carried out and it is also the case of the petitioner that the death took place due to fall and the persons responsible are also named and charge sheeted, this Court finds no ground to transfer the investigation to another agency after the charge sheet and supplementary charge sheet have already been filed for the reason whether any further offence is made out against the accused or any other person besides the accused arrayed as parties are involved will be seen by the learned Trial Court during the course of trial.

9. Petition is accordingly dismissed.

MUKTA GUPTA, J.

APRIL 04, 2018

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