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

+ **CRL.REV.P. 730/2018**

STATE OF NCT OF DELHI

..... Petitioner

Through: Mr. Tarang Srivastava, Additional Public
Prosecutor for State with SI Tulli Ram, P.S.
Badarpur.

Versus

SOUGHAND SINGH

..... Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

O R D E R

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27.08.2018

Crl. M.A.No.30739/2018 (for exemption)

Allowed, subject to all just exceptions.

The application stands disposed-off.

CRL.REV.P. 730/2018

This petition seeks to impugn an order dated 04.06.2018, which discharged the accused from the allegations under sections 392/397 IPC. It was the case of the prosecution that the accused had used a knife to threaten and extort monies from the complainant. However, in his complaint, no such statement was made in the first instance. Subsequently, in the TIP proceedings conducted on 04.02.2017, the said accused had not been identified. It is the case of the State that in the supplementary statement, recorded on 10.02.2017, the complainant has stated that out of nervousness,

he could not identify the accused, however, he later stated that the respondent is the same person, who used the knife in committing the robbery.

The Trial Court reasoned as under:-

“5. His statement does not show that accused Raju Arora has used the knife. His supplementary statement recorded on the same day does not show that accused Raju Arora has used the knife. There is nothing in the statement of complainant that accused Raju Arora has used the knife while allegedly committing the robbery though robbed articles have been recovered from his possession. In these circumstances, offence u/s 397 IPC is not attracted. He is discharged from offence u/s 397 IPC.

6. The co-accused Sougand has been arrested on the basis of disclosure statement of accused Raju Arora. He was put to TIP. The complainant has failed to identify the accused during the course of TIP. The supplementary statement of complainant was recorded on 10.2.2017 after the TIP held on 4.2.2017 wherein he has stated that he is the same person who has used the knife in committing the robbery. To my mind, such supplementary statement does not carry any value when the complainant has failed to identify him during the course of TIP. The recovery of knife at the instance of the accused becomes irrelevant when there is no identification of accused by the complainant during the TIP. To my mind, there is no evidence on record to connect the accused Sougand (sic) with the commission of offence so he is discharged from the case in hand.”

In view of the above, the Court finds no reason to interfere with the impugned order. The petition is without merit and it is dismissed accordingly.

The Court would note that this is a case of the State pursuing a frivolous petition. In the circumstances, the manner of approval of filing the

present petition needs to be examined. Accordingly, the Officer, who finally sanctioned filing of the present petition, will examine the case and furnish his/her reasons to the Principal Secretary (Law) within six weeks from today, as to whether it was indeed worthwhile to file the petition.

A copy of this order be given *dasti* to the learned counsel for the State under signature of the Court Master.

The petition stands disposed-off in terms of the above.

NAJMI WAZIRI, J.

AUGUST 27, 2018

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