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

+ CRL.M.C. 3931/2016

STATE OF NCT OF DELHI

..... Petitioner

Through : Mr.Ashish Dutta, APP for the State.

versus

GORA SINGH & ANR

..... Respondents

Through : Mr.Vineet Mehta, Advocate, for R-1 & 2.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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12.07.2018

The incident took place on 17.10.2013 at about 8.30 p.m. when allegedly an attempt was made to snatch the purse of a lady identified during investigation as Iti resident of Vikas Puri, Delhi. On 17.10.2013 at 8.35 p.m. DD No.40-A was recorded on the basis of information received from Police Control Room (PCR) at Police Station Vikas Puri. At that stage, the input was that the person who had made the said attempt had allegedly been apprehended. This input, the subsequent probe showed, was not correct. SI Sitar Singh set out for inquiry and on the basis of his *rukka* sent at 9.20 p.m. FIR No.363/2013 under Sections 356/379/511/34 IPC was registered at Police Station Vikas Puri. The FIR shows that though the incident was seen by Const. Acchey Lal and attempt was made to catch the culprits who had come on Motor-cycle bearing No.DL-4SAD-7906,

the persons in question had fled away taking the help of darkness. The motor-cycle statedly had fallen on the road at the time to pursue. Thus, the motor-cycle was the only clue available to the police. The police investigated into the matter wherein Const. Acchey Lal is stated to have identified the second respondent herein as one of the persons who had made the said attempt of snatching the purse but crucially the complainant would not say so. It is fairly conceded that connection sought to be drawn between the incident and the second respondent is on the basis of the fact that the motor-cycle is registered in the name of the father of the second respondent.

Learned Additional Public Prosecutor fairly conceded that no statement of the registered owner of the vehicle was recorded to confirm that it was in the use of the second respondent. The case against the first respondent is primarily based on the disclosure allegedly made by the second respondent which is inadmissible.

In the above facts and circumstances, the order dated 28.01.2016 of the Metropolitan Magistrate discharging the respondents, as upheld by the Revisional Court by order dated 30.04.2016 in Crl.Rev. 19/3/16 which is challenged by the petitioner under Section 482 Cr.P.C., does not call for any interference.

The petition is dismissed.

R.K.GAUBA, J.

JULY 12, 2018/sa

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