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

+ W.P.(CRL) 1860/2017

MOHD ADIL

... Petitioner

Represented by: M.K.Singh, Advocate

versus

STATE (NCT OF DELHI) & ORS

... Respondents

Represented by: Mr.Avi Singh, ASC with
Ms.Purnima Malik, Advocate
for the State with Insp.Rajeev
Kumar, PS Crime Branch

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

18.01.2018

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Grievance of the petitioner is that though he is a witness to the incident he is being repeatedly called for investigation and the police officers have repeatedly visited the house of the petitioner.

When this petition came up before this Court, vide order dated 5th July, 2017, this Court directed the DCP to file a Status Report. A Status Report has been filed by DCP, Crime Branch. As per the Status Report, on a secret information received accused were arrested under the NDPS Act and recoveries made from them. On 23rd December, 2016, Ms.Usha, wife of the accused, filed a writ petition being WP(Crl.) 3683/2016 before this Court for transfer of investigation to CBI or any independent investigating agency.

She stated that she had a CCTV footage which clearly showed that on the date of incident, the husband of Ms.Usha was present in the area of Seelampur, Delhi and not in the locality of Maharani Bagh, Peera Garhi. Thus, investigation was required to be done whether it was a case of fake implication and the CCTV footage from the petitioner's CCTV was required as wife of the accused was relying on the same.

It is in this process that the petitioner was called and the last date when the petitioner was required to join investigation was 10th July, 2017. Admittedly, till date thereafter, the petitioner has not been called for any further inquiry.

Considering the fact that the petitioner's presence and statement were necessary to verify the version of the wife of accused Ravi @ Pappay this Court finds no ground to issue further directions in the matter.

Petition is disposed of with the direction that as and when the petitioner is required to be called for investigation, he would be called in accordance with law and considering the fact that petitioner is only a witness in the case and not an accused.

MUKTA GUPTA, J.

JANUARY 18, 2018

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