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

+ **W.P.(CRL) 2748/2017 and CrI.M.A. No. 15758/2017**

ABDUL LATIF

..... Petitioner

Represented by: **Mr. Haneef Mohd. And Mr.
Kamal, Advocates.**

versus

STATE (GOVT OF NCT OF DELHI)

..... Respondent

Represented by: **Mr. Piyush Singhal, Advocate
for Mr. Ashish Aggarwal, ASC
for the State with SI Dharamvir
Singh.**

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER
03.04.2018

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1. By this petition, the petitioner seeks transfer of investigation in case FIR No. 271/2016 dated 16th August, 2016 under Sections 279/337/304A IPC registered at PS Tilak Marg and the proceedings arising therein.
 2. Investigation was set into motion in FIR No. 271/2016 on receipt of DD No. 38A at PS Tilak Marg on 16th August, 2016 informing about an accident at Dr. Zakir Hussain Marg where one scooty No. DL 8SBR 2381 violet blue colour was found in an accidental condition.
 3. Mohd. Imran, the injured was taken to the hospital and vide MLC the doctor noted him to be brought dead with alleged history of road accident. Statement of the other injured Mohd. Gulfam who was driving the scooty at the time of accident was recorded who stated that since he suddenly lost the
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control of scooty and hit the footpath, both of them fell down. He clarified that no other vehicle hit the scooty. On the PCR van reaching the spot they were taken to the RML hospital where he was given treatment and Mohd. Imran was declared brought dead.

4. Initially the investigation was carried out by the local police, however, on the petitioner's request the same was transferred to the AIU/NDD, when mechanical inspection of scooty was got conducted on 6th September, 2016. However, later the investigating officer conducting the investigation died, thus the investigation was marked to another investigating officer.

5. ASI Pramod Kumar also recorded the statement of Wasim Raja & Mohd. Danish who were present at the time of accident also stated that the scooty was not hit by any other vehicle.

6. Forensic report with regard to the Viscera of the deceased has been received which confirms the presence of Ethyl Alcohol. Charge sheet has since been filed by the State.

7. Petitioner is the father of the deceased and is not satisfied by the investigation. One of the pleas taken by the learned counsel for the petitioner was that despite the area being covered by number of CCTVs, no effort was made to get the CCTV footages which could shown as to how the accident took place.

8. On the direction of this Court a detailed status report has been filed. As per the additional status report one CCTV camera was installed at Kothi No. B-1, Dr. Zakhir Hussain Marg whose direction is on North side and place of occurrence on South side of Dr. Zakhir Hussain Marg. Further the said CCTV camera only depicts live pictures and recording facility is not

available. No CCTV camera has been installed at Akash Mess which could cover the incident. The CCTV camera installed at India Gate Outer Circle does not cover Dr. Zakhir Hussain Marg being beyond the range of the camera. Further the camera installed at the Art Gallery at Justice Sunanda Bhandari Marg was also not in the range of coverage.

9. Grievance of the petitioner is that despite the fact that there was no damage to the vehicle i.e. scooty, Imran suffered a fatal death resulting in breaking of his five ribs. A perusal of the post mortem report itself reveals that the deceased had contused and grazed abrasions which prima facie indicate an accident. Considering that apparently there is no material to come to the conclusion that the investigation is perverse/biased, this Court finds no ground to direct further investigation or transfer of the same to an independent agency. Needless to state that the opinion expressed by this Court on the facts noted above is only for the decision of the present petition and will have no bearing on the merits of case during trial.

10. Petition and application are dismissed.

MUKTA GUPTA, J.

APRIL 03, 2018

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