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

+ CRL.M.C. 335/2019 and CrI. M.A. 1439-1440/2019

CHETAN PRAKASH SHARMA Petitioner

Through: Mr. Anil Agarwal and Mr. Madan
Mohan, Advocates

versus

STATE (NCT OF DELHI) & ORS Respondents

Through: Mr. Sanjeev Sabharwal, APP for State
with Insp. Satyavir

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

% **07.02.2019**

In the sessions case (440610/16) arising out of the report (charge-sheet) under Section 173 of the Code of Criminal Procedure, 1973 submitted by the police on conclusion of investigation into first information report (FIR) no.544/2015 of police station Dabri wherein four persons are facing trial as accused, they statedly being Navin Kumar @ Bablu Dagar, Arun Kumar @ Goldy, Rahul and Mohd. Zafar wherein accusations of offences punishable under Sections 307, 429, 120B, 34 of IPC and Section 27 of Arms Act have been levelled, though the question of charge is yet to be considered, the petitioner is described as the intended victim, the incident statedly having occurred on 25.04.2015. The petitioner claims to be a public spirited person

who had, by his efforts, dug out material showing corruption on the part of the certain public servants particularly police officials. It is his case that on account of threats received by him against such endeavour on his part, he had been provided police protection. The FIR was registered on the basis of statement of Constable Rakesh who was statedly deputed as Personal Security Officer (PSO) with the petitioner on the relevant date and time. It is alleged that on account of motive arising out of enmity relating to the efforts of the petitioner to root out corruption, an attempt to kill him was made by he being fired at in a public street, the bullet instead having killed a dog, he himself being injured in his hand.

The petitioner had moved an application styled as protest petition before the trial court on 25.10.2017 seeking rejection of the charge-sheet and direction to the police for further investigation under Section 173 (8) Cr. PC. The said protest petition was considered by the trial judge and disposed of by order dated 29.05.2018.

Feeling dissatisfied with the directions given, the present petition was filed seeking intervention by this court under Section 482 Cr. PC.

The counsel for the petitioner has been heard at length. He now fairly concedes that he had raised six issues through the above mentioned petition, suitable directions on four of the said issues having been given the trial judge (point no.3 to 6), and that he does not press any relief respecting the first point (point no.1), his grievance being restricted to the second point which is described

as the proof of admission secured by him during “*sting operation of wife of Rahul*”. He submitted that he would be satisfied if he is given liberty to volunteer such material and present it before the trial court at the time of his examination-in-chief. At the same time, he fairly conceded that the question of relevancy and admissibility of such proof will have to be decided by the trial judge after hearing of parties.

The learned Additional Public Prosecutor, on being asked, submitted that so long as the question of relevancy and admissibility of such material as above is left to the judicial discretion of the trial judge to be considered and adjudicated upon after hearing of parties including the prosecution and defence, the State would have no objection.

Giving such restricted liberty as aforesaid to the petitioner, the petition and the applications filed therewith are disposed of.

R.K.GAUBA, J.

FEBRUARY 07, 2019

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