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

+ **W.P.(CRL) 254/2019**

HAJI ISRAR

..... Petitioner

Through Mr Shahid Ali, Mr anwar Khalil,
Mr Satish Kumar, Advocates.

versus

STATE (NCT OF DELHI) & ORS.

..... Respondents

Through Ms Kamna Vohra, ASC for State.
SI Sonu, P.S. Seemapuri, Delhi.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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22.10.2019

1. The petitioner has filed the present petition, *inter alia*, praying that the investigation in FIR No. 0747/2018 under Section 302 IPC, registered with Police Station Seemapuri be transferred to some other investigating agency.
2. The learned counsel appearing for the petitioner submits that the entire investigation is proceeding erroneously, as the correct information as provided to PCR has not been provided. The petitioner has filed a transcript of the call made to PCR, which he states was made from his mobile phone. He states that the recording of the same is available on his mobile phone. The petitioner claims that he had reported that one of his boys had been shot by Sunny. However, Form-1 incorrectly records that “*CALLER KE LADKE M GOLI MAR DI HAI*”.
3. Ms Vohra, learned ASC appearing for the State submits that Form No.1 does not disclose the transcript, as claimed by the petitioner. She

further states that the petitioner has not provided the original device, in which such recording exists.

4. Considering the nature of the offence and considering the controversy now sought to be raised, this Court considers it apposite to direct the Commissioner of Police to transfer the investigation to Crime Branch. It is so directed.

5. The concerned police authorities shall preserve the call records made to PCR and the transcripts of the said calls will be provided to the investigating agency. The petitioner is also directed to hand over the original device, containing the recording available with him, to the IO (Crime Branch).

6. The petition is disposed of with the aforesaid directions.

7. Order *dasti* under the signature of Court Master.

VIBHU BAKHRU, J

OCTOBER 22, 2019

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