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

+ W.P(Crl.) 530/2019 & Crl.M.A. 3679/2019 (for stay)

THOKCHOM VENAS

..... Petitioner

Through: Mr. Colin Gonsalves, Senior
Advocate with Mr. Kabir Ali Zia
Chaudhary, Mr. Ajay Verma,
Ms. Gunjan Singh & Ms.
Anupradha Singh

Versus

COMMISSIONER OF POLICE & ORS. Respondents

Through: Mr. Rahul Mehra, Standing
Counsel for the State with
Mr. Chaitanya Gosain, Advocate
for respondents No.1 & 2
Mr. Leishangthem Roshmani Kh.,
Standing Counsel for Manipur for
respondent No.3
Mr. Amit Mahajan, CGSC,
Mr. Randeep Sachdeva &
Mr. Olson Nair, Advocates for
respondent No.4-Union of India

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
18.02.2019

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Impugned order of 16th February, 2019 grants five days' transit remand to petitioner's brother *Thokchom Veewon* in FIR No. 13(2) 2019, under Section 124A IPC alongwith 153A/353 IPC, which has been registered against *Thokchom Veewon* (*hereinafter referred to as the*

accused) at Police Station Lamlai, Manipur.

Learned senior counsel for petitioner (who is brother of accused) assails the impugned order while relying upon order of 1st October, 2018 of a Division of this Court in W.P(Crl.) 2559/2018, titled as *Gautam Navlakha vs. State (NCT of Delhi) & Ors. (Annexure P-4)* to submit that the impugned order suffers from non application of mind, as the Memo of Arrest has not been given to accused nor his family members were informed before he was picked up and it was not informed as to on what charges and where the accused is being taken. It is submitted that it is not disclosed even now as to where accused is being kept. Learned senior counsel for petitioner submits that remand order suffers from non-application of mind and is liable to be quashed.

Counsel for third respondent supports the impugned order and submits that mobile phone number of Investigating Officer was given to accused's sister when she had resisted his apprehension and at the time of accused's apprehension, one police official from Delhi was also present. It is submitted that offer was made to supply copy of Memo of Arrest but it was rejected and now, another copy of Memo of Arrest has been handed over to learned senior counsel for petitioner. Attention of this Court has been drawn to the case diary and it is submitted that after obtaining requisite permission, accused is being taken to Manipur to be produced before the concerned court at the earliest.

In rebuttal, learned senior counsel for petitioner submits that there is a video recording which shows that despite requests, copy of Memo of Arrest was not given to the family members of accused and place of detention of accused has not been disclosed.

Upon hearing and on perusal of impugned transit remand order, case diary and the decision cited, I find that the remand order was not opposed by the remand Advocate and the Memo of Arrest was offered to be given to petitioner's sister, to which there was a resistance. In any case, copy of Memo of Arrest has now been supplied to petitioner's counsel. It *prima facie* appears that the act committed by the accused/petitioner's brother attempts to bring hatred and to excite disaffection towards the Government established by law.

Finding no infirmity in the impugned order, this petition and application are accordingly dismissed, while not commenting on the merits of the case.

A copy of this order be given *dasti* under the signatures of the Court Master to counsel for the parties.

(SUNIL GAUR)
JUDGE

FEBRUARY 18, 2019

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