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

+ W.P.(CRL) 795/2019

SH. JAGDISH CHAND

..... Petitioner

Through: Mr M.P. Singh and Mr Ghanshyam
Sharma, Advocates.

versus

THE COMMISSIONER OF POLICE & ORS. Respondents

Through: Mr Sanjay Lao, ASC for State with
Mr Karan Jeet Rai, Advocate.
SI Kamal Kishor, DIU/South.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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28.08.2019

1. The petitioner has filed the present petition, *inter alia*, praying as under:-

“a) Issue Writ of Mandamus or any other appropriate writ/order or direction to transfer the investigation of case FIR No. 0162 /2018 U/s 306 IPC registered at P.S Neb Sarai to Crime Branch of Delhi police.”

2. This Court had, by an order dated 19.11.2018, passed in W.P.(CRL.) 3215/2018, directed that investigation of the FIR no. 0162/2018 be transferred from P.S. Neb Sarai to District Investigating Unit (DIU), South District.

3. Apparently, the investigation was not transferred and the petitioner was constrained to file the present petition. In its order dated 24.07.2019, this court had observed that despite the orders passed on 19.11.2018 for transferring of the investigation, the same was not complied with for nearly four months. In view of the above, this Court called upon the respondents to

submit a detailed status report also explaining the reasons for the delay in transferring the relevant files/investigation.

4. The status report has been handed over in compliance with the said order. This indicates that there was delay in transferring of the file, as the concerned IO had not informed the relevant authorities about the order passed by this Court. It is also reported that departmental enquiry has been instituted against the said police official.

5. Insofar as the progress of investigation is concerned, it is pointed out that statements of certain persons and common friends of the deceased have been recorded under Section 161 Cr.P.C. The Facebook account of the deceased and the CDRs and mobile phone of the accused have been analysed.

6. It is stated that the accused was arrested on 25.07.2017 and is presently in judicial custody. The status report also indicates that efforts are being made by the respondents for recovery of his mobile phone which was deposited by the accused with M/s Unicorn Infosolution Pvt. Ltd. and has been sent by the company to its head office in Bangalore.

7. In view of the above, this Court is satisfied that the investigation is progressing in this case. And, no further orders are required to be passed in this case.

8. The petition is, accordingly, disposed of.

VIBHU BAKHRU, J

AUGUST 28, 2019/RK