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

+ **W.P.(CRL) 1501/2018 & CRL.M.A. 9263/2018**

THE STATE

..... Petitioner

Through: Mr R. S. Kundu, ASC for State.

versus

VIJAY KUMAR

..... Respondent

Through

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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26.09.2019

1. The State has filed the present petition, *inter alia*, praying that the observations made by the learned trial court regarding the conduct of the petitioner be expunged. The trial court had observed that the approach of the Investigating Officer (IO) was indifferent and insensitive. The Court had observed that it had failed to pursue the injured victim and had returned to the police station when he did not find her in GTB Hospital. The record shows that the IO had gone to GTB Hospital and the injured (Mithlesh) was not in a fit condition to record a statement. Later in the day, he received information that the injured had been admitted to another hospital (Max Hospital, Patparganj). The judgment records that the IO had, thereafter, proceeded to Max Hospital, Patparganj. It is also observed that the IO did not make any efforts to arrest the convict. This observation is also harsh.
2. The petitioner also contests the observation that the IO did not seize the blood-stained clothes of the injured persons, namely Mithlesh and

Akshay.

3. In view of the above, the observations made by the Trial Court in Paragraph 16 of the order on 'Quantum of Sentencing' dated 26.11.2016 are expunged.

4. In view of the above, the petition is allowed. The pending application is also disposed of.

VIBHU BAKHRU, J

SEPTEMBER 26, 2019
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