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

+ W.P.(CRL) 3724/2018

SHARIF KHAN

..... Petitioner

Through: Ms Mumtaz Ahmed with Mr Satish
Sharma, Advocates.

versus

THE STATE & ORS

..... Respondents

Through: Mr Rajesh Mahajan, ASC for State.
SI Dinesh Kumar, Ps Jamia Nagar,
Insp. Upender Singh, Ps Jamia Nagar.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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27.09.2019

1. The concerned DCP has affirmed an affidavit in compliance with the order dated 24.09.2019. The said affidavit is handed across to this Court and the same is taken on record. It is affirmed that the IO has not retained a copy of the CCTV footage and the seized DVR/CCTV footage have been sent to the FSL and its report is awaited.
2. According to the IO, there were 5 to 6 persons who were seen assaulting the deceased. Two of the said persons are stated to have been identified through CCTV footage and have been arrested. The remaining persons have not been arrested for the reason that they could not be identified through the CCTV footage.
3. Clearly, the IO would require to make other inquiries to ascertain the identity of the said persons and merely because their identity is not revealed

in the CCTV, is no ground to not take any further steps in this regard. The two persons who have been arrested are required to be interrogated to find the identity of the other persons. The accused persons are security guards in the water park and it is expected that there would be a record as to their deployment at the site. The IO is required to examine the said record as well.

4. Insofar as the CCTV footage is concerned, Director, FSL is directed to make a copy of the same available to the IO for conducting further examination, pending submission of the FSL report.

5. Further status report in this regard will be submitted to the concerned MM in due course.

6. The petitioner has also prayed that the complainant be subjected to narco analysis. This Court finds no ground or reason to direct so.

7. The other aspects have been considered by this Court in the order dated 24.09.2019.

8. This Court does not consider it necessary to transfer the investigation to another agency.

9. The present petition is disposed of with the aforesaid directions.

VIBHU BAKHRU, J

SEPTEMBER 27, 2019
MK