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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CRL.REF. 5/2019

COURT ON ITS OWN MOTION

..... Petitioner

versus

STATE

..... Respondent

Through

Mr.Rahul Mehra, standing counsel
(Crl.) for the State with Mr.Chaitanya
Gosain and Mr.Divyank Tyagi,
Advocates.
Sh.Rajesh Deo, DCP/Legal Call, PHQ
with Sh.Joy N.Tirkey, DCP/Crime
Branch and Sh.Hareesh H.P. DCP.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

24.02.2020

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Mr. Rahul Mehra, learned standing counsel (criminal) for the State has handed over a status report on behalf of the Delhi Police. The same is taken on record.

Mr. Rahul Mehra also informs this Court that the enquiry conducted by the District Magistrate against the conduct of Jail officials shall be completed within two weeks. Let the said report be brought on record within two weeks. In the event, the report is not filed by the District Magistrate, the present matter shall be listed before this Court by the Registry.

A perusal of the file reveals that a representation dated 17th January, 2020 was filed by Mr. Virender Kumar Goyal, the then District Judge, Commercial Court-01, West District, Tis Hazari, Delhi with the Registrar General of this Court on 17th January, 2020 itself. However, the said representation was placed on the file along with another photocopy of the said representation (received independently), by the Registry on 20th January, 2020 after the matter had been heard and decided by this Court.

This Court vide orders dated 19th and 20th December, 2019 had required the Hon'ble Chief Justice, Commissioner of Police and Chief Secretary, to examine the conduct of Sh. Virender Kumar Goyal, Additional Sessions Judge, the role of police officials and the role of jail authorities respectively in granting repeated custody parole to accused Sukesh @ Sukash Chandrashekhar. It is clarified that the said orders were passed as the entire file/record had not been placed before this Court as the present case was received as a reference.

Consequently, this Court directs the Registry to place the representation dated 17th January, 2020 before the Hon'ble Chief Justice and/or the Committee of Judges appointed by the Hon'ble Chief Justice to examine the matter. The status report filed by the police and the District Magistrate's report to be filed, shall also be placed before the Hon'ble Chief Justice/ Committee of Judges.

This Court clarifies that it is passing the aforesaid direction so as to facilitate the Hon'ble Chief Justice/Committee to reach a just and fair conclusion.

With the aforesaid observations, the present reference is closed.

MANMOHAN, J

SANGITA DHINGRA SEHGAL, J

FEBRUARY 24, 2020
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