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

+ W.P.(CRL) 992/2023

KISHAN PAL

.....Petitioner

Through: Mr. Vishesh Wadhwa, Ms. Swadha Gupta, Mr. Vishwam Mishra & Ms. Snigdha Jha, Advocates.

versus

STATE (NCT OF DELHI)

.....Respondent

Through: Mr. Yasir Rauf, ASC, Crl. with Mr. Alok Sharma & Mr. Vasu Agarwal, Advocates for State.

Insp. Kuldeep Sharma, PS Patel Nagar, Delhi.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

% **23.09.2024**

1. The present Petition under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 has been filed on behalf of the petitioner seeking direction to the respondent to transfer the investigation in the FIR No. 481/2021 under Section 304 of the Indian Penal Code, 1860 at Police Station Patel Nagar, Delhi to an independent agency like CBI or Crime Branch thereby directing the Investigating Agency to conduct speedy, fair and impartial investigations and to submit the Chargesheet in a timely manner.

2. Learned Additional Standing Counsel on behalf of the respondent, on instructions, submits that after all possible efforts, the investigations were conducted and the untraced report was filed before the learned Metropolitan Magistrate. The petitioner filed a Protest Petition, which had been allowed and the case was referred for further investigations which are being undertaken.



3. **The Status Report** has been filed on behalf of the State in regard to the investigations, wherein it is submitted that there were concerns about the CCTV footage, however, the reply has been received from the concerned Depot Manager who stated that no there was no CCTV installed inside the bus depot.

4. It is also submitted that the further efforts were made to check other surrounding CCTV cameras; only one CCTV camera installed near the CNG pump of said bus depot which covers only CNG pump. During investigations, efforts were made to obtain CCTV footage of the cameras installed in suspected buses and the Notice to this effect had also been given to Depot Manager who replied that the storage capacity of CCTV cameras is only seven days. Therefore, the said CCTV footage of the alleged Data cannot be retrieved.

5. Further, details of the investigation have been mentioned in the Status Report. Various persons have been interrogated. Every possible effort has been made to scrutinise the data, chats of WhatsApp and Facebook and messages of Instagram and Twitter etc., of the mobile phone of the deceased. However, the phone was locked, and the said data could not be accessed. Thereafter, the mobile phone of the deceased was sent to FSL, and the data as well as the chats so recovered from the mobile phone of the deceased are required to be verified/confronted by all the concerned persons, to which, a Notice under Section 160 of the Code of Criminal Procedure, 1973 has already been issued.

6. It is also submitted that the “*Lie Detector Test*” has already been conducted in consultation with the FSL Authority. The requirement of another scientific examination, namely, “*Layered Voice Analysis*” has



surfaced in order to get more clarity. Considering the sensitivity of the case and willingness of the persons to undergo “*Layered Voice Analysis*”, the same had been conducted in FSL from 22.05.2023 to 24.05.2023. The FSL Report has been received and has been confronted with all concerned persons.

7. The Public Notices had also been published in the Newspaper of Hindi and English, namely, Jansatta and The Asian Age respectively for the purpose of receiving any valuable/incriminating information, despite which no information has surfaced.

8. All the details of investigations carried out till date, have been mentioned in the Status Report.

9. **Submissions heard.**

10. Pursuant to the directions of the learned Metropolitan Magistrate, further investigations in detail have been carried out and the same have been mentioned in the Status Report.

11. In view of above, no further directions are required to be passed in the present petition, which is hereby disposed of.

12. However, the learned Metropolitan Magistrate shall continue to monitor the investigations till the Chargesheet/Final Report is submitted and thereafter would proceed in accordance with law.

NEENA BANSAL KRISHNA, J

SEPTEMBER 23, 2024

S.Sharma