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

+ W.P.(CRL) 2258/2024
GANESH

.....Petitioner

Through: Mr. J.S. Arya and Ms.
Ajeya Singh, Adv. with
petitioner.

versus

STATE NCT OF DELHI AND ORSRespondents

Through: Ms.Rupali Bandhopadhy,
ASC (Crl.) for the State
with Mr. Abhijeet Kumar,
Adv.
SI Shivendra Singh, PS
Subhash Place.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

% **18.11.2024**

**CRL.M.A. 22049/2024 (seeking exemption from filing
clear/certified/original copies of annexures)**

1. Exemption allowed, subject to all just exceptions.
2. Application stands disposed of.

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3. The present petition has been filed seeking transfer of the investigation in FIR No. 24/ 2024 dated 11.01.2024, under Sections 380/ 454 of Indian Penal Code, 1860 from P.S. Subhash Place to any other investigating agency on grounds of unfair and partial investigation.
4. The FIR was registered on a complaint filed by the Petitioner, alleging that a sum of Rs. 50,000/- and certain gold articles belonging to his wife, were stolen from his residence.
5. It is the case of the petitioner that he procured the CCTV



footage which shows that his neighbour, namely– Deepa had come to his house in his absence and was seen interacting in a suspicious circumstance with one person who was wearing red T-shirt. The person wearing the red T-shirt was found to be one namely– Kannan, who was the brother of accused Deepa.

6. The grievance of the petitioner is that as per the status report filed by the police before the learned Court of Sessions as well as this Court on an earlier occasion, the said accused persons Kannan and Deepa were seen on a scooty, carrying with them a safe (chest). It is the case of the petitioner that as per the CCTV footage, it is evident that accused Deepa never sat on the scooty and mentioning the wrong fact, led to grant of benefit of pre-arrest bail to the accused persons.

7. Accused Deepa was granted pre-arrest bail by this Court vide order dated 21.03.2024. This Court had admitted the accused Deepa on bail however, no specific reason has been mentioned. Even, the accused Kannan was admitted on bail vide order dated 25.04.2024 noting that the accused had already joined the investigation after the interim protection was granted to him vide order dated 21.03.2024 and that the accused is not involved in any other case.

8. I have perused the status report filed by the State on an earlier occasion before this Court. It was mentioned that the accused Kannan was present near the place of incident and the CCTV footage showed that two boys were carrying the suspected stolen locker on a scooter. The State also mentioned that the CCTV footage shows accused Deepa with an unknown suspected person and that unknown person wearing a red jacket, could be seen carrying something (suspected locker) on a scooter. Police suspected that the accused Kannan was driving the scooter.



9. The status report was also filed before this Court in BAIL APPLN. 694/2024. It is mentioned that analysis of CCTV footages of the government cameras installed near the house of the complainant revealed that the accused Kannan alongwith one unidentified person was seen transporting the alleged safe (chest) on the scooter. The accused Deepa could be seen present outside her residence and gesturing towards the complainant's house. It is mentioned that CCTV footage provided by the complainant shows Kannan on a Scooter with an unidentified person. It is further mentioned that the accused Deepa is seen with them in the main *gali* in front of a temple.

10. Thus, the perusal of the various status reports clearly indicates that the prosecution at no stage had mentioned that the accused Deepa was seen riding with other accused persons on a scooty. The apprehension of the petitioner in the opinion of this Court, is misconceived.

11. This Court, therefore, finds no reason to entertain the present petition. The present petition is dismissed.

12. The petitioner is at liberty to move appropriate application before the learned Trial Court for monitoring of the investigation, if advised.

AMIT MAHAJAN, J

NOVEMBER 18, 2024

'Akc'