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

+ **CRL.M.C. 7001/2024**

RAJA RAM

.....Petitioner

Through: Mr. B.S. Rajesh Agrajit, Ms. Priya
Nagar, Mr. Siddharth Goswami and
Mr. Aakash Sharma, Advocates.

versus

STATE OF NCT OF DELHI AND ANR

.....Respondents

Through: Mr. Utkarsh, APP for the State.
Mr. Yogesh Malhotra, ACP/Sarita
Vihar, Insp. Shailendra Kr. Singh, SI
Prem Prakash Singh, P.S.; Okhla
Industrial Area.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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05.09.2024

CRL.M.A. 26722/2024 (exemption)

Exemption granted, subject to just exceptions.

Let requisite compliances be made within 01 week.

The application stands disposed of.

CRL.M.C. 7001/2024

By way of the present petition filed under section 483 read with section 528 of the Bharatiya Nagarik Suraksha Sanhita 2023 ('BNSS'), the petitioner impugns order dated 01.08.2024 passed by the learned ASJ, Saket Courts, Delhi in Misc. Crl. 539/2024, whereby the learned ASJ has dismissed an application filed by the petitioner seeking cancellation of bail granted to respondent No.2/accused *vide* order dated 02.02.2023 in case FIR No.105/2022 dated 19.01.2022



registered under section 3(1)(r)(s) of The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. Mr. B.S. Rajesh Agrajit, learned counsel appearing for the petitioner submits that respondent No.2 was granted bail subject to certain conditions as detailed in order dated 02.02.2023, the first of which was that the accused will not threaten the complainant or other prosecution witnesses.
3. Learned counsel submits however, that respondent No.2 has threatened the petitioner, which led the petitioner to file a complaint dated 29.05.2024 before the SHO, P.S.: Okhla Industrial Area, Delhi.
4. Upon being queried, counsel submits, that when asked for clarifications by the Investigating Officer ('I.O.'), the petitioner had informed the I.O. that respondent No.2 was pressurising the petitioner into withdrawing his complaint by using expletives and caste-related slurs. Counsel further submits, that the specifics of the threats were also furnished by the petitioner to the I.O. *vide* another communication dated 10.06.2024.
5. Copies of complaint dated 29.05.2024 and communication dated 10.06.2024 have been appended to the petition.
6. Issue notice.
7. Mr. Utkarsh, learned APP appears for the State on advance copy; accepts notice; and submits, that as narrated in impugned order dated 01.08.2024, in the course of enquiry conducted by the I.O. into the petitioner's complaint, except for reiterating his allegations, the petitioner failed to provide any evidence in support of any threat extended by respondent No. 2.



8. Furthermore, in the course of such enquiry, it also transpired that the petitioner's immediate superior at the TRIFED Head Office in Delhi, one Mayur Gupta, neither supported the petitioner's allegations against respondent No.2 nor the petitioner's assertion that he was denied entry into the office. It is further submitted that one Umesh Chandra, an independent witness, who was questioned in the course of the enquiry on 28.05.2024, also said that he was present when the petitioner complained to Mayur Gupta about the threats allegedly extended by respondent No.2; but he did not hear Mayur Gupta saying that the petitioner could not enter the office; and therefore nothing has come through to substantiate the allegations levelled by the petitioner against respondent No.2.
9. Mr. Utkarsh also informs the court that the petitioner had filed two other criminal proceedings, viz. CRL.M.C. No. 3622/2023 and TR.P. (CRL.) No. 72/2023, seeking various reliefs connected with the subject FIR and that both those proceedings were subsequently dismissed as withdrawn.
10. Upon an overall consideration of the facts and circumstances of the case, and based on the observations made in the impugned order, namely that nothing was found in the course of the enquiry to substantiate the allegation that respondent No.2 had threatened the petitioner, this court finds no merit in the present petition.
11. The petition is accordingly dismissed *in-limine*.
12. Pending applications, if any, are also disposed of.

ANUP JAIRAM BHAMBHANI, J

SEPTEMBER 5, 2024/ak