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

+ **W.P.(CRL) 384/2026**

MOHAMMAD MUJEEB AHMAD

.....Petitioner

Through: Mr. M. Sufian Siddiqui, Mr. Rakesh Bhugra and Mr. Md. Niyazuddin, Advs.

versus

THE STATE NCT OF DELHI

.....Respondent

Through: Mr. Yasir Rauf Ansari, ASC for the State with Mr. Alok Sharma, Adv. along with Inspector Vikas Yadav and SI Sandeep Singh.

CORAM:

HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

ORDER

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03.02.2026

CRL.M.A. 3618/2026. (exemption)

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

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3. By way of the present writ petition, the petitioner seeks following reliefs:

“a) Set aside, ex debito justitiae, the impugned order dated 21.01.2026 passed by the Learned Judicial Magistrate, First Class-09, Central District, Tis Hazari Courts, Delhi, in Monitoring Application filed by the Petitioner apropos FIR No. 0902/2025, Police Station Lahori Gate, as being ex-facie arbitrary, cryptic, and non-speaking and reflective of inadvertent abdication of judicial duty; and further declare that the said order suffers from grave jurisdictional error, manifest non-application of mind, and amounts to



refusal to exercise jurisdiction vested under Section 175(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023; and

b) Pass apposite directions, ex debito justitiae, to the Learned Judicial Magistrate First Class-09, Central District, Tis Hazari Courts, Delhi, to adjudicate the Petitioner's prayers made in his Monitoring Application dated 12.01.2026 on an exigent and priority basis, and to pass appropriate orders thereon, in accordance with law and in light of the urgent nature, factual matrix, and constitutional dimensions of the reliefs sought therein.

AND/OR IN THE ALTERNATIVE, in view of the inadvertent abdication of judicial duty and failure to exercise jurisdiction vested in law on the part of the Learned Magistrate Court, and in order to prevent further miscarriage of justice and irretrievable prejudice to the Petitioner, this Hon'ble Court may graciously be pleased to:

c) Issue a writ of Mandamus or any other analogous writ, order or direction commanding the Respondent Investigating Agency to forthwith re-examine the offences disclosed in FIR No. 0902/2025, Police Station Lahori Gate, and to invoke and incorporate apposite and graver penal provisions under the Bharatiya Nyaya Sanhita, 2023, including but not limited to Section 109 (Attempt to Murder) and Section 116 (Grievous Hurt), having due regard to the following:

- i. the intentional and targeted assault on the Petitioner's head using a deadly weapon,
- ii. the premeditated nature of the assault, in defiance of subsisting judicial protection orders passed by this Hon'ble Court in Petitioner's favour;
- iii. the seriousness and permanence of injuries sustained by the Petitioner, including multiple fractures requiring surgical fixation under general anaesthesia; and
- iv. the known medical vulnerabilities of the Petitioner, which rendered the attack potentially fatal with even ordinary force.

d) Issue a writ of Mandamus or any other analogous writ, order or direction commanding the Respondent/Investigating Agency to immediately secure, preserve and seize all relevant electronic evidence, including CCTV footage, DVRs, Call Detail Records, CAF details, IMEI/IMSI data and location analytics, for the relevant period apropos FIR No. 902/2025, Police Station Lahori Gate, as detailed in Paragraph 14 of the Monitoring Application, in strict compliance with Delhi Police Standing Orders No. 448/2017 and 451/2017, so as to prevent any loss, overwriting, tampering or destruction of vital electronic evidence, which is ephemeral in nature, and once such evidence is lost, no subsequent judicial order can restore the integrity of investigation; and

e) Issue a writ of Mandamus or any other analogous writ, order or direction



directing the Respondent/Investigating Agency to ensure that the investigation in FIR No. 902/2025 is conducted strictly in accordance with law and in a manner consistent with the Petitioner's fundamental rights under Articles 14 and 21 of the Constitution of India, including the right to life, personal liberty, dignity, and a fair, effective and expeditious investigation, and to further ensure that the subsisting protection orders passed by this Hon'ble Court in favor of the Petitioner are implemented in their true letter and spirit; and"

4. Issue notice. The learned ASC accepts notice on behalf of the State.
5. This Court has gone through the impugned orders. This Court notes that the prayers (c) and (d), i.e. seeking directions to the Investigating Agency to secure, preserve and seize all relevant electronic evidence, including CCTV footage, DVRs, Call Details Records, CAF details, IMEI/IMSI data and location analysis would have required urgent hearing and passing of order before the learned Trial Court, and in case matter is taken up after a longer date, as has been fixed by the learned Trial Court *vide* the impugned order, there is every likelihood that the evidence would be destroyed.
6. Therefore, in these circumstances, the learned Trial Court is requested to take up prayers (c) and (d), upon the petitioner's moving a separate application in this regard, which will be decided within a week from the date it is taken up for hearing.
7. With these directions, the writ petition stands disposed of.
8. The order be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

FEBRUARY 03, 2026/A/TS