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

+ W.P.(CRL) 200/2022

SHRI. MANOJ KUMAR GARG ..... Petitioner

Through: Mr. Niraj Kumar, Advocate with  
petitioner in person.

versus

STATE OF NCT OF DELHI & ORS. .... Respondents

Through: Mr. Amol Sinha, ASC (Crl.) for State  
with Mr. Kshitiz Garg and Mr. Rahul  
Kochar, Advocates.  
SI Neeraj from PS Preet Vihar.

**CORAM:**

**HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA**

**ORDER**

% **14.09.2022**

1. Writ Petition has been preferred on behalf of the petitioner Manoj Kumar Garg, who is the father of deceased Naman Garg (aged about 14 years), under Article 226 of the Constitution of India read with Section 482 Cr.P.C. for directing the respondents for speedy/professional investigation in respect of death of his son under suspicious circumstances. It is accordingly prayed for directing respondents No.1 to 4 for sending the heart and brain (exhibits) of his deceased son for investigation/histopathological report and for expediting the Viscera report from FSL for the purpose of fair investigation into the death of son of the petitioner.

2. Learned ASC for the State submits that the status report has been filed on record and no suspicious circumstances were found regarding the death of the deceased, who had visited PVR alongwith his friends on 10.11.2021 and was admitted at Makkar Hospital initially. Further, the deceased was

subsequently shifted by the petitioner to Max Hospital, wherein doctors declared him brought dead. It is further submitted by learned ASC that Viscera result has since been received from FSL alongwith the report of histopathology samples and on the basis of same, the cause of death has been opined 'cerebral vascular attack - a natural cause of death'.

3. In view of the report received on record, learned counsel for the petitioner accompanied with the father of the deceased, submits that no further directions are called for at this stage since the opinion as to the cause of death has been opined as 'cerebral vascular attack - a natural cause of death'.

4. However, it is a matter of concern that the deceased in the present case expired on 11.11.2021 but unfortunately the petitioner had to approach this Court for the purpose of directing the respondents for speedy/professional investigation and obtaining the Viscera result as well as the histopathological reports. The histopathology samples were deposited at UCMS and GTB Hospital, Shahdara only after the present writ petition was filed by the petitioner on 27.01.2022 and listed for consideration on 31.01.2022.

5. The delay in getting the scientific reports not only has a high social cost, but leads to extreme suffering by victim's family being unaware as to the exact cause of death. The delay for whatever reason cannot be countenanced under law and at times may also lead to degradation or putrefaction of the samples negating the very purpose of examination.

6. ***The non-acceptance of samples/exhibits for histopathological examination at concerned hospital is an administrative issue which needs to be streamlined/sorted by the investigating agency. Necessary steps in***

*this regard are directed be taken by the Commissioner of Police in coordination with concerned hospital.*

7. It may be appropriate to notice that Standing Order No. 444/2016 dated 21.06.2016 issued by the Commissioner of Police, Delhi contains instructions as to how the police would proceed after the registration of FIR till filing of the chargesheet and also lists checks by the superior authority in this regard. The guidelines prescribe for speedy investigation of the cases and meticulous compliance in relation to deposit of all relevant exhibits/documents for examination with the Forensic Science Laboratory as early as possible within 7 days from the date of its collection. Further, *in case of biological sample i.e. blood, semen, etc., which putrefy/degenerate at a rapid rate, should be sent on the same day/next day of the collection.* Instruction 8 in this regard, further provides that if the opinion from the FSL is not received within a reasonable time frame, IO/SHO shall bring the matter to the notice of the concerned DCP, so that the matter can be taken up with the FSL Authority. ACPs as well as DCPs are also required to check and monitor that the investigation of the case is being promptly and fairly conducted by the Investigating Officers in an endeavour to complete the same in a time bound manner.

The aforesaid instructions alongwith other relevant guidelines are for the purpose of ensuring that the investigation/inquiry is concluded at the earliest and the final report is filed in accordance with law. No excuse by the investigating agency either on the ground of ignorance or administrative issue is acceptable as the Standing Order No.444/2016 dated 21.06.2016 is expected to be followed in letter and spirit to ensure a fair, transparent and speedy investigation.

8. Unfortunately there is an inordinate delay in forwarding the histopathological reports in the present case despite numerous representations by the petitioner to various authorities. The investigating agency is expected to ensure that rights of victims are duly safeguarded by conduct of speedy and fair investigation in accordance with law and resolve administrative bottlenecks, if any, at the level of DCP concerned at the earliest opportunity.

In view of above, it is essential that the relevant Standing Order/circulars are circulated by the Commissioner of Police to the concerned SHOs/Investigating Officers for the purpose of completing investigation within the stipulated time frame as provided in law and responsibility is fixed in case of any inordinate delay by the Investigating Officer.

A copy of this order be accordingly forwarded to the Commissioner of Police for necessary compliance.

Petition is accordingly disposed of.

**ANOOP KUMAR MENDIRATTA, J**

**SEPTEMBER 14, 2022/akc**