

CR No.15/2021

Haji Hashim Ali & Anr. V/s SHO, Karawal Nagar

07.04.2021

Case file received today from the Court of learned Principal District & Sessions Judge (North-East).

Present: Shri M.R Shamshad, Ld. Counsel for the applicant(s).

Shri Nitin Rai Sharma, Ld. Special PP for the State alongwith Shri Harish Chandra, ACP-Khajuri Khas; Inspector Ram Avtar, SHO PS Karawal Nagar and ASI Suman Kumar, IO of the case in person.

Heard.

This revision petition is directed against order dated 24.02.2021, passed by learned CMM (North-East) in the matter, whereby the cognizance was taken.

The grievance which has been raised in this petition by the applicants is that despite there being specific complaints dated 01.03.2020 of petitioner No.1 and his son against the named persons from the other community, no investigation was carried out against them. The learned counsel for the applicant(s) has relied upon the contents of chargesheet in case FIR No.72/2020, PS Khajuri Khas; a perusal whereof suggests that the matter was not investigated qua the named persons. It is emphasized that both the petitioners were arrested in the matter despite they being complainant(s) and their complaints having been wrongly tagged with the complaint of one Naresh Jain, particularly in the teeth of the fact that son of complainant Naresh Jain was a named accused in the complaint made by son of petitioner No.1 with regard to arson and looting of his house.

On the contrary, learned Special PP on instructions submits that the persons named in complaint dated 01.03.2020 (Annexure A-2) of petitioner No.1

and of son of petitioner No.1 (Annexure A-4) are being interrogated and he wishes to produce original case diaries in the matter in this regard.

The learned counsel for the petitioners submits that the interest of justice will be jeopardized if the interim stay is not granted, as the learned CMM (North-East) shall proceed in the matter to commit the case; whereas, the learned CMM (North-East) was required to apply his mind to the facts of the case and the case diaries before committing the case to the Sessions Court. It is further emphasized that the petitioners want to take recourse to the remedies available to them in accordance with law before the learned CMM (North-East), but they may not be left high and dry by committal of the case.

Let reply in the matter be filed by the State and the original case file be summoned from the Court concerned for the next date of hearing. IO and SHO, PS Karawal Nagar shall remain present in Court on the NDOH with original case diaries.

Till the next date of hearing, further proceedings in the matter before the learned CMM (North-East) shall remain stayed.

Renotify the matter for further consideration on **29.04.2021 at 12 Noon.**

A copy of this order be given dasti to learned counsel for the petitioners. A copy of this order be also sent to learned CMM (North-East) forthwith.

(VINOD YADAV)
ASJ-03(NE)/KKD COURTS/DELHI/07.04.2021