

16.10.2025

Present: Sh. Madhukar Pandey, Ld. SPP for State with his associates Sh. Sulabh Gupta and Sh. Daksh, Advocates.
Accused Komal Mishra on bail (through VC).
Remaining accused are present on bail.
Ms. Shavana, Id. counsel for accused Arif.
Sh. Parveen Kumar, Ld. counsel for accused Golu @ Prashant and Gaurav @ Kamal.
Sh. Nirmal Tiwari and Sh. Mohit Kumar, Ld. counsel for accused Komal Mishra.

The matter is at the stage of arguments on charge. It appears that the State has made a complete mess in this matter.

Initially when the arguments on charge were heard, my learned predecessor, vide a detailed order, had made a categorical observation regarding the complete confusion created by the chargesheet of this case. This observation was regarding two different mobs which were clashing with each other and rioting. However, the members of both the mobs were made accused in the same chargesheet for all the offences and there was no clarity that which mob had caused damage, rioting or arson at which specific place and to which properties. My learned predecessor had further observed that there was no clarification regarding what role was played by which of the mob. He had further observed that the

evidence was required to be presented with clarity in respect of time on which particular incident had taken place and it had to be categorically mentioned which particular mob had been behind which particular incident or the reasons for charging the members of both the communities / mobs for the same crime should have been reflected in the charge sheet. There was a further observation that these two mobs from two different communities could not have shared a common object. He had further observed that there was no investigation with regard to incidents taken place with several complainants viz. Mr. Azad, Mr. Zaid and Smt. Sarla Devi. Therefore, my learned predecessor had ordered the further investigation of the matter.

Pursuant to this order, initially the prosecution sought to withdraw certain complaints from this charge sheet and on being faced with certain queries of the court, Id. SPP sought to file supplementary charge sheet in order to take an official stand of the prosecution and asked for the application to be kept in abeyance and then came the supplementary charge sheet no. 3.

What the prosecution intended to do through supplementary charge sheet no. 3 is to simply withdraw that the complaints of Rajesh Kumar, Azad, SI Afzal Hussain, Amit Sharma, Sagir Ahmed, Smt. Bali and Sh. Piyush Garg from this charge sheet. It was stated that these complaints required further investigation and therefore, these complaints were being separated and are withdrawn from this case. It further sought the discharge of accused Mohd. Arif and Azhar. It was further submitted that separate FIRs shall be

registered with regard to the aforesaid complaints and thereafter, these two persons, whose discharge has been sought as above, shall be charge sheeted.

On being inquired how, on the directions for further investigation, this entire exercise has been done, ld. SPP submitted that it was on the instructions of the court that these complaints were being withdrawn. However on being asked to show a single order so directing or anything on these lines in the order dated 21.01.2025, ld. SPP has failed to do so.

Therefore apparently, instead of conducting further investigation as directed, and to show to the court how these two mobs could have been connected in sharing a common object, the prosecution, if I am bold enough to say so, has tried to circumvent that order and at the same time, it has not even done what it has stated in the supplementary chargesheet because today, on being inquired, it is submitted that no FIR with regard to complaints, which had been sought to be withdrawn through supplementary charge sheet no. 3, had been registered. Then could it be possible that this supplementary charge sheet no. 3, which was filed with certain undertaking and with certain purpose, was merely to defeat the order of the court? At the same time, the court had observed that there was no investigation of the complaints of Mr. Azad, Mr. Zaid and Smt. Sarla. However, even in supplementary charge sheet no. 3, it is not stated that a separate FIR qua the complaints of Smt. Sarla and Zaid had been registered. Therefore, the court has inquired from

the SHO whether any further investigation qua those complaints had taken place at all?

Insp. Paramvir Dahiya, SHO PS Dayalpur, who is present with Id. SPP, has submitted that no further investigation at all has been conducted with regard to complaints of Mr. Azad, Mr. Zaid and Smt. Sarla Devi which my learned predecessor had referred to. On further being inquired that under what provision, after filing of the charge sheet, these complaints can be withdrawn, Id. SPP submits that except section 321 Cr.P.C, he is unable to refer to any such provision.

Therefore, it is evident that the entire case which already had blurred facts, has been further mired with confusion by this supplementary charge sheet and the police in fact has not bothered to comply with the order dated 21.01.2025.

In these circumstances, I am constrained to bring this matter to the notice of worthy Commissioner of Police, Delhi. The copy of this order be placed before worthy Commissioner of Police, Delhi who shall ensure that a remedial action is taken and order dated 21.01.2025 is complied with. Considering the seriousness of the issue, it is further directed that worthy Commissioner of Police shall also ensure that a report, duly signed by him or by Spl. Commissioner of the area, is court on or before the next date of hearing.

Re-notify on 14.11.2025.

(Parveen Singh)

ASJ-03(NE)/KKD Courts/Delhi: 16.10.2025