

Amarjeet Kaur Vs. State

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Court : Delhi

Decided On : Mar-06-2014

Judge : Kailash Gambhir

Appellant : Amarjeet Kaur

Respondent : State

Advocate for Def. : Mr. Rajesh Mahajan

Judgement :

\$~1 * + IN THE HIGH COURT OF DELHI AT NEW DELHI CRL.A. 306/1999
AMARJEET KAUR Appellant Through: None. versus STATE Through: %
Respondent Mr. Rajesh Mahajan, Additional Standing Counsel (Cri.) for State with
Mr.Harendra K.Singh, Deputy Commissioner of Police, Police Headquarters, Delhi
CORAM: HON'BLE MR. JUSTICE KAILASH GAMBHIR HON'BLE MS. JUSTICE
SUNITA GUPTA

ORDER

0603.2014 Fresh affidavit has been filed by Mr. Harendra K. Singh, Deputy Commissioner of Police, Police Headquarters, New Delhi. Mr. Harendra K.Singh, DCP is also present in court. Mr. Rajesh Mahajan, Additional Standing Counsel (Cri.) for State submits that so far the previous list of 365 life convicts is concerned, majority of the appellants of these appeals were personally informed in writing about the listing of their appeals before the various Division Benches of this

court. Learned Additional Standing Counsel (Crl.) further submits that there are few cases where the concerned SHOs could not establish any personal contact with the concerned appellants, but information in such cases was given either to their family members or to their relatives. Learned Additional Standing Counsel (Crl.) further submits that in majority of the cases, the appellants have been contacted personally. Learned Additional Standing Counsel (Crl.) further submits that in the said list of 365 life convicts, list of 27 life convicts was furnished by the State informing the court about their demise during the pendency of their appeals, but after carrying out further verification, it has been informed that in fact, only 24 life convicts have expired and not 27. Learned Additional Standing Counsel (Crl.) has drawn attention to paragraph 6 of the present affidavit wherein it is stated that the name of life convict - Subhash, son of Bishan Singh, (Crl. A. No.646/2000), Police Station Ambedkar Nagar has been wrongly mentioned in place of life convict Sultan, son of Narain who expired on 11.1.2010 in Crl. A. No.646/2000, Police Station Ambedkar Nagar. Learned Additional Standing Counsel (Crl.) further submits that it is only life convict Sultan who had expired but due to inadvertence, name of life convict Subhash was mentioned in the earlier list. Similarly, learned Additional Standing Counsel (Crl.) submits that the name of life convict Baldev, son of Joginder was mentioned two times in the said list at S.No.26 and 27, while the correct criminal appeal was Crl. A. No.104/2005, arising out of FIR No.288/1999 Police Station New Delhi Railway Station and Baldev had expired on 2.7.2010. Learned Additional Standing Counsel (Crl.) further submits that the life convict mentioned at S.No.7 in the earlier list - one Surrender resident of RZ-881, Gali No.27-C, Palam Colony, Delhi has been wrongly shown to have expired but later it was found that his name was wrongly mentioned due to inadvertence based on the incorrect information given by the concerned SHO to the DCP (West District), and in fact that life convicts Surrender is alive. Learned Additional Standing Counsel (Crl.) also submits that the explanation notice have already been issued to Prabhu Dayal, the then SHO Police Station Maya Puri and Sub-Inspector Yogesh Kumar, Investigating Officer of the said case for their lapses. Learned Additional Standing Counsel (Crl.) further submits that the name of life convicts Jagan Nath son of Chaman Lal, who had filed Crl. A. No.787/2000 Police Station D.B.G.Road was also wrongly shown in the list of the said 27 life

convicts to have expired but later, it was found that the said life convict Jagan Nath is still alive, while in fact his father who had filed Crl. A. No.771/2000 had died on 9.10.2011. Learned Additional Standing Counsel (Crl.) also submits that the life convict - Jagan Nath has already been informed in writing and even on personal level about listing of his appeal before this court. Learned Additional Standing Counsel (Crl.) also submits that so far as the appeal filed by Chaman Lal is concerned, his name is also required to be added in the list of 27 cases, and therefore, in place of appeal of Jagan Nath (Crl. A. No.787/2000), name of Chaman Lal (Crl. A. No.771/2000) should have been there in the said list of 27 life convicts, who have already expired. Learned Additional Standing Counsel (Crl.) further submits that so far as these four appeals are concerned, the same have yet not been disposed of and therefore, the list of these 24 life convicts which has been annexed alongwith the present affidavit as Annexure R-II be accepted as the correct list of the life convicts, out of the list of 365, who had expired. Learned Additional Standing Counsel (Crl.) further submits that the concerned SHOs of the Police Stations are further carrying out the exercise of establishing personal contact with the life convicts and in the fresh exercise, police has now been able to establish contacts with 528 life convicts. Learned Additional Standing Counsel (Crl.) further submits that during this exercise, it was also found that 22 life convicts, as per the list annexed as Annexure IV to this affidavit have died. Learned Additional Standing Counsel (Crl.) further submits that the necessary verifications about these appellants have already been done to the satisfaction of the concerned SHOs and Additional SHOs. Learned Additional Standing Counsel (Crl.) also submits that with regard to these 22 life convicts (Annexure R-IV), their appeals which are listed before the respective Division Benches can be taken up for consideration or to pass necessary orders. Let the Registry carry out this exercise of listing the said 22 appeals forming part of the Annexure R-IV before the respective Division Benches so that respective Division Benches can pass appropriate orders in those appeals. It is also directed that on the date of listing of these appeals, the concerned SHOs, Additional SHOs of respective Police Stations shall remain personally present in court so as to confirm the factum of death of all these 22 life convicts. During the course of hearing of the present appeal and after having gone through the list of life convicts who are personally

being contacted by the police, to our surprise, we have found that in some cases the police has not been able to establish personal contact with the life convicts, rather they have just given an information to their family members or their relatives. No doubt, the police is taking serious pain in carrying out the said exercise of establishing personal contact with all these life convicts whose appeals are pending consideration before the respective Division Benches, but mere fact that the family members or relatives of such life convicts have been informed, will not serve the purpose, as the apprehension is that at the time of hearing of their appeals, these appellants in all likelihood will not appear and then again, fresh exercise will be required to be undertaken by the respective courts. We therefore, direct the State to make all endeavours to establish personal contact with the life convicts and take in writing that they shall be appearing before the Division Benches at the time of listing of their appeals and also the police to take in writing from all such convicts that they will not leave their present place of residence without first informing the concerned SHO of the Police Station. The police shall also try to obtain some document with regard to the proof of their residence. Police is also directed to carry out further exercise of establishing contact with the remaining life convicts. Fresh status report be filed by the State on or before the next date. List on 28th April 2014. KAILASH GAMBHIR, J SUNITA GUPTA, J MARCH06 2014 pkb

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