

\$~34

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

+ **W.P.(CRL) 1239/2022 & CRL.M.A. 10599/2022**

MOHD ARSHAD AHMAD

..... Petitioner

Through: Mr. M. Sufian Siddiqui & Ms. Alya
Veronica, Advocates.

versus

THE STATE NCT OF DELHI & ORS.

..... Respondents

Through: Mr. RS Kundu, ASC for State, Ms.
Pooja & Mr. Agniwesh Singh,
Advocates for R-1 & 2 with SI
Manmeet Singh, PS Nabi Karim.
Mr. M.M. Singh & Mr. Jitendra Kr.,
Advocates for R-3.
None for R-4.

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

%

27.05.2022

CRL.M.A. 10599/2022

Exemption allowed subject to all just exceptions.

The application is disposed of accordingly.

W.P.(CRL) 1239/2022

The petitioner vide the present petition makes the following prayers:-

*“a. Direct the SHO, P.S. Nabi Karim/respondent no.2 herein to forthwith ensure strict compliance of the final order and judgment dated: 17.08.2020 passed by this Hon’ble Court in W.P. (Crl.) 1101 of 2020 in case titled ‘**Mohd Arshad Ahmad vs The State NCT of Delhi & Ors.**’ by providing adequate Police protection to the petitioner in the discharge of his official and religious duties as an Imam of Masjid Dargah Hazrat Khwaja Baqi Billah (R.A.) situated at Eidgah Road, Paharganj, Delhi; and*

W.P.(CRL) 1239/2022

Page 1 of 4

*b. Direct the SHO, P.S. Nabi Karim/respondent no.2 herein to secure/preserve forthwith the CCTV footage both Audio and Video of cameras installed inside the Police Station, Nabi Karim, District-Central (especially inside the room of the SHO, P.S. Nabi Karim) and place on record before this Hon'ble Court pertaining to the incident dated: 01.05.2022 between 02.00 P.M to 07.00 P.M, in terms of the Hon'ble Supreme Court's judgment dated: 02.12.2020 passed in the case of "**Paramvir Singh Saini vs Baljit Singh & Others**" Special Leave Petition (Criminal) No.3543/2020. And*

*c. Direct Respondent no.1 to conduct an in-depth enquiry in a fair and impartial manner considering the principles of natural justice under the direct supervision of the DCP-Vigilance or by a Police Officer of a higher rank on the reprehensible incident dated: 01.05.2022 as it occurred inside the room of the SHO, P.S. Nabi Karim, District-Central causing infraction of the petitioner's fundamental rights as Guaranteed under Article 21 of the Constitution of India, and for the willful disobedience of this Hon'ble Court's order dated: 17.08.2020 passed in W.P.(Crl.) 1101 of 2020 titled '**Mohd Arshad Ahmad vs The State NCT of Delhi & Ors.**'. and*

d. Direct the Respondent no.1 to take stringent legal action against Mohd. Nasir/Respondent no.3 herein and his associate Parvez Noor @ Nanhe/Respondent no.4 herein for brazenly threatening, intimidating and subjecting the petitioner to inhuman and degrading treatment that too in the presence of the SHO P.S. Nabi Karim/ respondent no. 2 herein;"

with it having been submitted on behalf of the petitioner that there has been flagrant violation of the order dated 17.08.2020 of this Court in W.P. (CRL) 1101/2020 and that adequate police protection was not provided by the respondent No.2.

On behalf of the respondent Nos.1 and 2, it has been submitted that that there are exaggerated submissions that have been made in the petition and that there was only an exchange of hot words between the petitioner and the respondent Nos. 3 and 4 and rather the SHO i.e., the respondent No.2, had called both the petitioner and the respondent Nos.3 and 4 to the Police Station for maintenance of peace and harmony between the parties at the occasion of Eid-Ul-Fitr.

It is also submitted on behalf of the State that the CCTV video footage of the date 01.05.2022 of the Police Station Nabi Karim has already been preserved, the said video footage be placed on record by the State along with the certificate under Section 65(B) of the Indian Evidence Act, 1872.

It is informed on behalf of the State however that the audio footage of that day is not available.

It is essential to observe that in view of the verdict of the Hon'ble Supreme Court in *“Paramvir Singh Saini vs Baljit Singh & Others”* in Special Leave Petition (Criminal) No.3543/2020 vide paragraph 16 and 17 thereof, it has been expressly directed that the CCTVs have essentially to be installed in the Police Stations, lock-ups, corridors, lobbies, reception areas, verandas/outhouses, Inspector's rooms, Sub-Inspector's rooms, areas outside the lock-up rooms, station hall, in front of the police station compound outside (not inside), washrooms/toilets, Duty Officer's room, back part of the police station etc and that the said CCTV systems have to be equipped with night vision and must necessarily consist of **audio** as well as video footage.

In the circumstances, the respondent Nos.1 and 2 shall explain as to why the audio footage has not been installed so far and the compliance of the installation of the audio footage in terms of the directions of the Hon'ble Supreme Court in ***Paramvir Singh Saini*** (Supra) be placed on record without default by the State for the next date of hearing.

The status report be also submitted by the State qua the petition.

The response of the respondent No.3 be also filed within a period of two weeks.

Notice of the petition be also issued to the respondent No.4 on taking of steps by the petitioner for the next date of hearing.

The matter be re-notified for 27.07.2022.

ANU MALHOTRA, J

MAY 27, 2022
ha