

Yash Dev Singh Sejwal vs State & Ors on 27 October, 2021

Author: Rajnish Bhatnagar

Bench: Rajnish Bhatnagar

(VIA HYBRID HEA

\$~2

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

+

CRL.M.C. 910/2020

YASH DEV SINGH SEJWAL

Through: Mr. Mukul Rawal and Mr.
Anand, Adv.

versus

STATE & ORS.

Through: Dr. M.P.Singh, APP with
Kumar, DIU North.
Mr. Raj Kumar, Adv. for

CORAM:

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER

%

27.10.2021

CRL.M.A. 3718/2020 (stay)

1. The present application has been filed by the petitioner seeking ad- interim ex parte stay/keeping the coercive steps such as NBWs, proclamation under Section 82/83 Cr.P.C., LOC, RCN in abeyance arising out of FIR No. 146/2002 under Section 498A/406/420 IPC registered at P.S. Civil Lines.

2. I have heard learned counsel for the petitioner, counsel for the complainant and learned APP for the State.

3. Learned APP has drawn the attention of this Court to the status report filed by the State on 17.4.2021. He submitted that as of now no Red Corner Notice has been issued against the petitioner because due to some inadvertence wrong FIR was mentioned in this case. The relevant portion of the status report reads as follows:-

"The present petitioner did not join the investigation in spite of many efforts. Thereafter, to Nab the accused, Look our circular as well as Red Corner Notice were issued against him which were in force till 11/10/2020. To extend the validity of the Red Corner Notice, information was sought by the National Central Bureau-India (Nodal agency to Interpol) from Delhi Police, but they have mentioned inadvertently wrong FIR number in their office letter as FIR No. 141/2002 PS Civil Lines instead of FIR No. 146/2002 PS Civil Lines (the letter dated 23/07/2020 issued by NCB, CBI)

has been marked as Annexure-A. Thereafter, information was conveyed firstly to then The Addl. Commissioner to the then DCP North on 29/07/2020 for reply on this extension of Red Corner Notice and LOC of the present petitioner. Thereafter, information was given to the Nodal agency (NCB) by the then DCP North through Addl. C.P.Crime regarding status of the accused in CASE FIR No. 141/2002 vide letter dated 24/08/2020 (Annexure-B). It is submitted here that since the FIR No. was given 141/2002 PS Civil Lines, so the concerned person sought information and it was confirmed that accused FIR No. 141/2002 PS Civil Lines was acquitted on 21.05.2013 by the concerned Hon'ble Trial Court at Tis Hazari Courts. The concerned office could not verify the FIR Number and the name of accused. He only saw the FIR number and could not verify the name of the accused and furnished the wrong information. This was an inadvertent mistake committed by the concerned officer. It is humbly submitted that it appears that due to inadvertent mistake/communication given by the Nodal agency regarding this case, this inadvertent wrong information was forwarded to the NCB and ultimately to the Interpol. Finally because of this inadvertent mistake/miscommunication, the Red Corner Notice was cancelled and LOC was also called back from immigration authorities, MHA, New Delhi vide letter dated 03/11/2020 (Annexure-C) issued by Assistant Director NCB. It is further submitted that the present petitioner Yash Dev Singh is declared proclaimed offender by Concerned Hon'ble Court on 05.02.2011. It is humbly submitted that process of once again initiating LOC and Red Corner Notice have been started against the present petitioner Yash Dev Singh/accused."

4. Therefore, it is clear that there is no Red Corner Notice issued and LOC proceedings have also not been initiated against the petitioner till date.

In these circumstances, petitioner is not entitled to any relief in this regard. So far as PO proceedings are concerned, petitioner can move an application before the concerned trial court for appropriate remedy.

The application stands disposed of accordingly. CRL.M.C. 910/2020 & CRL.M.A. 1982/2021 Since the petitioner has shown inclination of the petitioner to come to India within four weeks, till then no LOC proceedings be initiated and no Red Corner Notice be issued against the petitioner.

List on 13th January, 2022.

RAJNISH BHATNAGAR, J OCTOBER 27, 2021 ib