

Virendra Kumar Bhussry vs Kartar Singh & Ors on 21 April, 2023

Author: Prateek Jalan

Bench: Prateek Jalan

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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CS(05) 289/2017

VIRENDRA KUMAR BHUSSRY

..... Plaintiff

Through: Mr. Kshitij Sharda, Mr. Paras
Dedha, Advocates.

versus

KARTAR SINGH & ORS

...

Through: Mr. Harkirat Singh, Ad
D-2 and D-3 (Mobile No
9999565144).
Mr. Divyam Nandrajog,
Mayank Kamra, Advocate
EOW, Delhi Police.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% 21.04.2023 I.A. 7603/2023 (for release of original documents)

1. This application has been filed by the Economic Offences Wing, Delhi Police, for release of certain original documents for the purpose of investigation related to FIR 170/2018 dated 23.08.2018 [wrongly mentioned in the application as 23.08.2008], registered at Police Station Economic Offences Wing, New Delhi.

2. Although details of the documents sought are enumerated in paragraph 3 of the application, learned counsel for the parties state that there are certain typographical errors therein and submit that documents are, in fact, as follows:-

"(i) Original Sale Deed vide Registration No. 7166, Addl. Book No. I, Volume No. 2286 on page No. 72 to 73 dated 30.3.1974 w.r.t. to the property 6/56, Punjabi Bagh West, Delhi.

(ii) Original Gift Deed vide Registration No. 464 in Book No. I, Vol.

No.2988 at Page No. 119 to 121, dated 02.02.1978 w.r.t. to the property 6/56, Punjabi Bagh West, Delhi.

(iii) Original Gift Deed vide registration No. 4977 in Book No, I Vol. No. 3700 at page no. 35 to 37 dated 29.11.1980 w.r.t. to the property 6/56, Punjabi Bagh West, Delhi."

3. By order dated 24.11.2020, the Court allowed the Investigating Officer, accompanied by Officer/Expert from Forensic Sciences Laboratory ["FSL"] to take photographs of the aforesaid documents for the purposes of investigation. A report has since been given by FSL. However, learned counsel for the applicant states that the documents are also required to be examined by the India Security Press, Nasik ["ISP"] to report on the genuineness and details of despatch in respect of the stamp paper used. The ISP has furnished a report dated 09.01.2021, which states as follows:-

"2. In this context, it is to inform you that India Security Press is unable to provide the information sought by you merely on the basis of Colour Xerox copies, without examining the original documents under question. Since multiple Security Features are involved in the "India Non-Judicial Stamp Papers", the original Stamp Papers are required to be examined. However, any information provided without examining the original documents under question may mislead the enquiry of the case. The information can be provided only after Scientific Examination of the original Non-Judicial Stamp Papers under question. Hence, you are requested to send the original Stamp Papers under question to India Security Press for examination and expert opinion."

4. In these circumstances, the applicant seeks release of the original documents.

5. Learned counsel for the plaintiff and defendant Nos. 2 and 3 have no objection to this request. Defendant No.1 has already been proceeded ex parte.

6. Having regard to the above, the Registry is directed to release the aforementioned original documents to the Investigating Officer, in the presence of learned counsel for the applicant, for investigation of FIR 170/2018, subject to the applicant placing on record certified copies of the documents in question. The documents will be returned to the Registry upon receipt of the report of the ISP. The ISP is directed to expedite the process so that the documents can be returned to the custody of Court within six months from today.

7. The application stands disposed of in these terms.

PRATEEK JALAN, J APRIL 21, 2023 'vp'/'