

Mis. Application
SC 36/2020
STATE Vs. MADHUBALA SHARMA AND ORS
FIR no. 361 /2019
PS North Rohini
u/s 3 (1) (r) (c) (s) SC/ST Act

27.10.2020

HEARING THROUGH VIDEO CONFERENCING

Due to spreading of Corona Virus (COVID19) special measures taken by the Government. To prevent it, the hearing of matters have been conducted through Video Conferencing using CISCO WEBEX Meeting App./Whatsapp video calling, after taking consent of both the parties, in terms of directions issued by Ld. District & Sessions Judge, NorthWest, Rohini, Delhi.

Pr: Sh. Virender Kharta, Ld. APP for the State.
Dr. Satya Prakash Gautam, Ld. Counsel for complainant.
Sh. Bajinder Singh, Ld. Counsel for the applicant/accused.

By filing the present application under Section 15A SC & ST (Prevention of Atrocities) Act, Ld. counsel for the applicant submitted that the genesis of the facts emanating from the prosecution case is that the complainant belongs to the scheduled caste community. He is owner and in possession of a flat no. D-6/151, First Floor Rohini Sector-6 (measurement 48 mtr.). the accused persons have been forcibly trying to dispossess the complainant and his family from the flat with the oblique motive of grabbing the same due to caste prejudice. The accused persons armed with beaten mother of complainant and started hurling abusive and filthy languages to the complainant and his family members. And mother of complainant mercilessly

cont.

beaten by accused person, she got 9 stitches on her head. Some how the life of the mother of complainant was saved. The matter was investigated by the police and FIR no. 291/2019 u/S 323/341 IPC was lodged on 09.09.2019. That soon after first FIR accused person (all female)start threatening to complainant and his family member and threatened them that if they will not leave his flat then again complainant or his family will face dire consequences. That after first FIR accused persons again committed atrocities on present complainant and consequently present second FIR no. 361/20 was lodge against accused person and it is pertinent to mention here that meanwhile accused persons made several fake and false complainant against complainant and his family. It is also pertinent to mention here that there after inquiry/investigation by police it found that all allegation made by accused person against complainant and his family are false/fabricated and concocted only with sole motive to grab the property present complainant. That the accused persons (Madhubala Sharma, Akansha Sharma and Arpita Sharma) are habitual offender and they uttered caste based words and beaten complainant with the intention to grab his property due to caste prejudice, it is bring in to your kind consideration that despite two FIR and continuously threatening, respondent no. 1 to Respondent no. 3 did not performed their duties required to be performed under SC/ST Act and Rules.

Despite opportunity no reply has been filed.

Ld. APP strongly support the application in view of the contention made and urgency as well as keeping in view of the provision itself.

Though no reply has been filed on behalf of accused persons, however

cont.

submitted that the accused persons never intended to dispossess the complainant from his property situated at First Floor and without prejudice the right and contention of the accused persons, the accused persons have no objection in case the present application is allowed subject to taken into consideration of the security of the accused person who is women and residing with her two daughters on the ground floor.

After considering the facts and circumstances, I am of the considered view that DM concerned, SDM concerned, Executive Magistrate concerned as well as DCP concerned are directed to make necessary arrangement for the complainant access to his house and simultaneously also directed to take care of the security of the accused persons who are women under intimation to the Court within three days.

With these observations, the present application is disposed off.

Let the digitally signed copy of the order be supplied to all concerned on their respective e-mails. The original signed order is kept on record.

(Rakesh Kumar-IV)
ASJ-02/NDPS (North-West),
Rohini Courts, Delhi.
27.10.2020 ps