

IN THE COURT OF ACMM-EAST KKD DELHI

State vs. Saleem Khan @ Chunnu
FIR no. 103/20
PS Preet Vihar

24.06.2020
Through Video conferencing

An application u/s 9 of Indian Evidence Act for conducting TIP

Present: Sh. Ramesh Bajiya, Ld. APP for the State through VC.
Sh. Ritesh Bahri, Id. Counsel for applicant through VC.
Ld. Counsel for the applicant submits that vakalatnama has been filed in the court.

Arguments heard.

Ld. Counsel for the applicant submits that applicant was not present at the spot and he was later on falsely implicated in the present matter by the police officials. Despite requests, the police officials have not getting conducted the TIP of the applicant in the present case. Name of the applicant/accused has also not been mentioned in the FIR. Accordingly, it is prayed that IO may be directed to get the TIP of the accused conducted, otherwise prejudice might be caused to the applicant/accused.

Reply received from the IO. It has been stated in the reply that during the course of investigation, applicant/accused was arrested on 27.05.2020 and various recoveries were made from him. The complainant had also identified the applicant/accused on the said date and the statement of the complainant was recorded in this regard. Therefore, TIP of the applicant/accused is not required as he has already been identified.

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In rebuttal, Id. Counsel for the applicant has argued that IO did not follow the due procedure of law for getting the TIP conducted, rather he has shown the applicant to the complainant, which is an illegality on the part of IO. Hence, it is prayed that IO may be directed to get the TIP of the applicant conducted.

I have considered the submissions and perused the material available on record.

It is settled proposition of law that a Magistrate cannot interfere in the investigation of a case to be done by the IO. In the present case, IO has already stated that complainant has identified the applicant/accused at the time of his arrest, therefore, there does not appear to be any need of conducting any TIP of the accused. In any case, TIP in a particular case is the prerogative of the IO and it is for the IO to decide whether he wants to get the TIP conducted or not. Court should not interfere in the investigation. No directions for conducting TIP are required to be given by the Court. The application is therefore, without merits and **it is dismissed and disposed of accordingly.**

Copy be sent to the Id. Defence counsel on his E-mail and order be uploaded on the server.



(DINESH KUMAR)
ACMM (EAST)/KKD/24.06.2020