

SONU VS. NAGENDRA
CT CASE NO. 646/2026
FIR NO.49/2026
PS SHAHBAD DAIRY

Present : Mr. Pramod Kumar, Ld. APP for the State
Mr. Tanuj Kumar Sharma, Ld. Counsel for complainant alongwith
complainant
Inspector Rajesh Malik and IO ASI Inder Singh, PS Shahbad Dairy

ORDER
29.06.2026

The present case raises a disturbing question as to how an allegation of a brutal and deliberate murder was sought to be converted into an accidental narrative by the investigating agency.

Brief Facts

1. The present application seeks monitoring of investigation in FIR No. 49/2026 registered at P.S. Shahbad Dairy under Sections 281/125(a) BNS.
2. It is stated that on 26.01.2026 at about 02:00 AM, the deceased Chandresh @ Monu returned to his residence and began knocking and banging loudly on the gate. On hearing the commotion, his father came downstairs and found him in a grievously injured condition. Blood was oozing from his head, hands, and feet, and the condition of the injured was alarming.
3. The injured is stated to have immediately disclosed to his family members that Nagender had assaulted him with the intention to kill him; that he had been chased by a vehicle; and that the vehicle was also run over him. He further stated that he had been threatened with death and that an attempt had been made on his life, from which he managed to escape.

4. The father of the victim immediately called an ambulance as well as emergency number 112 from mobile number 9911762012, and also lodged a complaint specifically naming Nagender as the assailant. While the victim was being taken to the hospital, his brothers Shailesh, Jitender, and Sunil recorded a video statement of the injured, wherein he clearly and repeatedly attributed the assault to the accused and stated that he had been run over and attacked with intent to kill. The substance of the statement reflects immediate attribution of culpability to the named accused.
5. The statement of the father was recorded wherein he reiterated that the accused, residing in the same lane, had attempted to murder his son. The address of the accused was identified on the same day; however, he was not found present, and his family members stated that they were unaware of his whereabouts.

Visit to Scene and Subsequent Events

6. It is further alleged in the complaint that on the following day, police officials, claiming to be from the Crime Branch, visited the residence of the complainant and thereafter took the family to the place of occurrence. At the site, blood spatter was noticed scattered in multiple directions. Blood-stained slippers belonging to the younger brother of the deceased were also found at the spot.
7. The victim remained admitted in hospital for approximately 22 days and succumbed to his injuries on 16.02.2026.
8. It is further stated that after the incident, the accused extended threats to the complainant and pressurised him to withdraw the proceedings. Separate complaints were made vide DD No. 65 dated 24.02.2026, to the DCP

vide DD No. 1535 dated 27.02.2026, and again on 11.03.2026 (PHC No. 50), however, no effective action appears to have been taken thereon.

Reports Placed Before the Court

9. The Court has perused the following reports:

(i) Report dated 17.05.2026 (SHO PS Shahbad Dairy and IO)

It is stated therein that injuries numbered 2 to 11 could possibly be caused in a road traffic accident; however, injury number 1 is stated to be consistent with assault.

(ii) Report dated 27.06.2026 (DCP/OND with approval of Joint CP, Northern Range)

It is stated that Section 105 BNS (culpable homicide not amounting to murder) has been invoked. A show cause notice has been issued to the Investigating Officer and explanation called from the SHO. It is further stated that an expert medical opinion has been sought from the Department of Forensic Medicine, Maulana Azad Medical College and Lok Nayak Hospital, and the same is awaited. It is further stated that upon receipt of such opinion, further legal action, if required, shall follow.

Court's Observations

10. At the outset, the Court notes that the FIR was registered under Sections 281/125(a) BNS, despite the consistent allegation from the inception being of a deliberate assault and attempted murder. Subsequently, upon death of the victim, Section 106 BNS has been added.

11. The Court finds it difficult to comprehend the basis on which, despite specific allegations of a violent attack involving assault and being run over by a vehicle, the matter was initially treated as one of rash and negligent driving. Significantly, there are no foundational allegations in the complaint suggesting a mere accident.
12. Even if the Investigating Officer initially entertained such a suspicion, the investigation on record does not reflect adherence to Standing Order L&O/72/2024, which mandates prompt recording of statements of relevant witnesses, attending doctors, and continuous follow-up, particularly in cases involving grievous injuries and potential homicide. The record shows that though the IO visited the hospital initially, no sustained effort was made thereafter to record statements of medical personnel or to revisit the hospital records in a structured manner. This omission assumes greater significance as the victim survived for 22 days, thereby providing ample opportunity for proper investigative follow-up. No satisfactory explanation is forthcoming for this lapse.

Evidentiary Material Ignored

13. The Court notes that the family of the deceased has placed on record a video recording wherein the victim, in an injured condition, repeatedly names the accused and describes the assault. The said recording, on its face, bears relevance as a dying declaration and required careful legal and evidentiary consideration.
14. The medical record reflects multiple grievous injuries, including fractures at several parts of the body. The photographs placed on record are disturbing and indicative of severe trauma.

15. It is further noted that **a forensic opinion dated 22.04.2026 from the Department of Forensic Medicine, Maulana Azad Medical College already exists on record, which clearly states that injury no. 1 is consistent with assault.**
16. However, the supervisory report proceeds on the premise that expert opinion is still awaited from Maulana Azad Medical College and Lok Nayak Hospital, without any explanation as to why a second opinion was required when an existing forensic opinion is already available.
17. More significantly, there is **no reference whatsoever to the existing forensic opinion in the report submitted by the Joint Commissioner of Police**, raising a serious concern regarding whether the case file was independently and fully examined at the supervisory level before forwarding the report to this Court.
18. The victim also suffered a deep wound approximately **6 cm x 2 cm over the left temporal region**, along with crush injury over the left pinna, which are medically significant injuries requiring careful reconstruction of events.

Crime Scene Handling and Investigative Deficiencies

19. The fact that the crime scene was visited, and that blood spatter and blood-stained slippers, as alleged in the complaint, were present at the scene, has neither been denied nor adequately addressed by the IO, SHO, ACP, DCP or Joint CP in any of their reports. Despite the presence of blood spatter and physical indicators at the scene, no seizure memo of critical material such as slippers is reflected in the record. No forensic photographs of the scene have been properly documented in the case diary.

20. No scene-of-crime unit or forensic reconstruction appears to have been meaningfully involved. The absence of such basic steps in a case involving unnatural death is deeply concerning.
21. Even when these aspects were brought to the attention of supervisory officers, no corrective action is reflected in the record.

Version of the Accused - Evidentiary Contradiction

22. The accused was interrogated on 29.01.2026 and stated that the deceased and one Mithilesh were consuming alcohol at the relevant time, and that the injuries were accidental, allegedly caused due to entanglement of the deceased's clothing with the door of a vehicle.
23. However, this version stands in clear contradiction to the medical and forensic record. The MLC as well as the post-mortem report do not indicate, even remotely, the presence of alcohol or any clinical finding suggestive of intoxication. There is complete silence in the medical evidence on this aspect.
24. Despite this, the Investigating agency appears to have accepted the version of the accused without any independent verification or scientific reconciliation with the medical record. This is particularly concerning when the contemporaneous material, including the disclosure of the deceased and the recorded video statement of the victim, consistently attributes the incident to a violent assault by the accused.
25. The selective reliance on the accused's version, in disregard of the medical record and other contemporaneous evidence, raises serious doubt as to whether the investigation on this aspect proceeded on objective assessment or mere acceptance of one version.

Further Investigative Lapses

26. The scene of occurrence was not preserved in accordance with forensic standards. No reconstruction was attempted. Call Detail Records, mobile location analysis, and scientific corroboration of movements of relevant persons were not promptly undertaken. These are not extraordinary requirements, but elementary steps expected in any investigation involving loss of human life.
27. The Court is also unable to find clear reasoning as to the invocation of Section 105 BNS, particularly when the foundational material raises serious questions as to whether a more stringent provision such as Section 103 BNS was at all considered.
28. The Court notes that initially reports were called from the Investigating Officer and SHO. However, despite continued lapses and absence of corrective action, the Court was constrained to call for reports from the DCP and Joint Commissioner of Police. Even thereafter, the reports furnished appear largely to be based on inputs forwarded from ACP, without independent examination of the case record.
29. Before parting with the matter, this Court considers it necessary to advert to the observations of the Hon'ble Supreme Court in ***Dayal Singh & Ors. v. State of Uttaranchal***, AIR 2012 SC 3046 : (2012) 8 SCC 263. In paragraph 19 of the judgment, the Hon'ble Supreme Court framed, inter alia, the following question:

"(iv) If the dereliction of duty and omission to perform were deliberate, then is it obligatory upon the court to pass appropriate directions, including directions in regard to taking penal or other civil action against such officer?"

30. The aforesaid question was answered by the Hon'ble Supreme Court in paragraph 47.5 of the judgment, which reads as under:

"47.5. We hold, declare and direct that it shall be an appropriate exercise of jurisdiction, as well as a means of ensuring a just and fair investigation and trial, that the court returns a specific finding in such cases, upon recording reasons, as to deliberate dereliction of duty, designedly defective investigation, intentional acts of omission and commission prejudicial to the case of the prosecution, in breach of professional standards and investigating requirements of law, during the course of investigation by the investigating agency, expert witnesses, and even the witnesses cited by the prosecution. Further, the courts would be fully justified in directing the disciplinary authorities to take appropriate disciplinary or other action in accordance with law against such officer, expert, or employee/witness, whether such person is in service or has since retired."

31. Hence, it is clear that this Court is empowered to direct the competent disciplinary authority to take appropriate action against the erring officer in accordance with law.
32. The observations of the Delhi High Court in **State v. Naresh, Crl. L.P. No.136/2012**, also reiterate the importance of objective, fair and legally compliant investigation and underscore that investigative lapses striking at the root of a fair criminal process cannot be viewed lightly. The directions

issued herein, therefore, are neither punitive nor intended to prejudge the departmental proceedings, but are only to ensure that the competent disciplinary authority independently examines the conduct of the officers concerned in accordance with law, having regard to the serious deficiencies recorded by this Court.

33. Furthermore, in case of **Sakiri Vasu vs State Of U.P. AIR 2008 SC 907**, it was held that Section 156(3) CrPC (corresponds to Section 175(3) of BNSS) provides for a check by the Magistrate on the police performing its duties. In cases where the Magistrate finds that the police has not done its duty of investigating the case at all, or has not done it satisfactorily, he can issue a direction to the police to do the investigation properly, and can monitor the same. That though briefly worded, in our opinion, is very wide and it will include all such incidental powers as are necessary for ensuring a proper investigation.
34. **The report submitted by the Joint Commissioner of Police itself reflects that a show cause notice has been issued to the Investigating Officer and an explanation has been sought from the SHO, thereby acknowledging the existence of lapses in the investigation. However, having regard to the nature and gravity of the deficiencies brought on record, the issuance of a mere show cause notice and calling for an explanation cannot be regarded as an adequate response. The lapses have resulted in serious prejudice to the investigation and have the potential to adversely affect the prosecution case at trial. Accordingly, the matter warrants more meaningful and effective departmental action against the erring officials.**

35. The Court further observes that when matters of such seriousness are brought to the notice of senior supervisory officers such as the DCP and Joint CP, it is expected that they would independently examine the case file at least at a preliminary level. Even a perusal of the photographs and video depicting the injuries sustained by the deceased, or the post-mortem report, would have afforded a clear indication of the nature and gravity of the assault. Such independent scrutiny is necessary to ensure that corrective action is taken at the appropriate stage itself, rather than allowing the matter to be escalated to the Commissioner of Police without meaningful evaluation at intermediary supervisory levels.
36. The record discloses a grave lapse on the part of the IO and the SHO in conducting a prompt and effective investigation. As a result, vital material evidence, which was available at the initial stage, has not been properly collected and preserved and now stands irretrievably lost. Such a lapse is bound to have a serious adverse impact on the prosecution case during trial. This is not a mere procedural irregularity but a fundamental defect that goes to the very root of the matter and warrants appropriate departmental action against the erring officials.

Directions :

37. A copy of this order along with the earlier order dated 10.06.2026 be placed before the **Worthy Commissioner of Police, Delhi** for his personal consideration. The Commissioner of Police shall examine the matter and take appropriate disciplinary action, in accordance with law, against all officers found responsible, including the Investigating Officer and SHO concerned. The enquiry shall specifically assess the seriousness and

cumulative effect of lapses noticed in the investigation. A compliance report shall be placed before this Court on or before the next date of hearing. It is clarified that this order shall not preclude the Commissioner of Police from initiating any further or additional legal action as may be deemed appropriate in accordance with law.

38. A copy of this order be also forwarded to the **DCP/OND** for necessary oversight. He shall also obtain a medical opinion as to whether the injuries sustained by the victim, collectively, were sufficient in the ordinary course of nature to cause the death of a person.
39. List on **13.07.2026** for further proceedings.
40. Order be given *dasti* to all parties.

(BHARTI BENIWAL)
JUDICIAL MAGISTRATE FIRST CLASS-05,
NORTH, ROHINI COURTS, DELHI
29.06.2026

A copy of the orders has been handed over to the Naib Court, P.S. Shahbad Dairy, for immediate transmission to the office of the Commissioner of Police, Delhi. He is directed to place the receiving on record within 2 days from today.