

## News

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**Police personnel who handled murder as a case of reckless driving are subject to disciplinary action, according to a Delhi court.**



The Court questioned why the case was first handled as one of reckless and careless driving and concluded that significant investigative errors had resulted in the irretrievable loss of important evidence.

Recently, a Delhi court ordered the Commissioner of Police to take disciplinary action against misbehaving police officers who attempted to paint a violent murder as an instance of careless and reckless driving. [Nagendra v. Sonu]

Judicial Magistrate First Class Bharti Beniwal ordered on June 29 that the Commissioner of Police personally investigate the case and take appropriate disciplinary action against the station house officer (SHO), the investigating officer (IO), and any other officers found to be at fault. By the next hearing date, the Court also requested a compliance report.

The Court determined that significant investigative errors had led to the loss of important evidence, necessitating departmental action against the negligent officials. The document reveals a serious failure on the part of the SHO and IO to carry out a timely and efficient inquiry. Due to improper collection and preservation, crucial material evidence that was first available is now irretrievably destroyed. The prosecution's case throughout the trial will undoubtedly suffer greatly from such a lapse. The Court declared, "This is a fundamental defect that goes to the very core of the matter and warrants appropriate departmental action against the erring officials, not just a procedural irregularity."

The ruling was issued in response to an application submitted by the deceased's father, Chandresh alias Monu, requesting court supervision of the inquiry into the FIR filed at the Shahbad Dairy police station in outer Delhi.

The complainant claims that early on January 26, Monu returned home injured and informed his family that Nagendra had ran him over, chased him in a car, and attacked him.

In a video that his brothers made as he was being transported to the hospital, he repeatedly identified Nagendra as his attacker. After spending 22 days in the hospital, he passed away from his wounds on February 16.

The FIR was first filed under Sections 281 and 125(a) BNS, which deal with conduct threatening life and reckless and careless driving. The Court observed that Section 106 BNS (causing death by negligence) was only added after Monu passed away, despite repeated accusations of intentional attack and attempted murder.

Despite persistent claims of an intentional assault, the Court found it hard to comprehend why the matter was initially handled as one of reckless and careless driving. The Court pointed out that there were no fundamental accusations that the incident was just an accident.

**Additionally, it noted that the investigating officer did not adequately preserve the**

**crime scene or gather important evidence, neglected to properly follow up with doctors despite the victim surviving for more than three weeks, and failed to give due evidentiary consideration to the video recording that prima facie bore relevance as a dying declaration.**

The Court further observed that the supervisory report disregarded the forensic opinion from Maulana Azad Medical College, which had determined that one of the victim's injuries was compatible with assault, and continued on the premise that expert opinion was still pending. **It also questioned the police's use of Section 105 of the BNS (culpable homicide not amounting to murder), noting that the evidence presented created grave concerns about whether Section 103 of the BNS (murder) should have been used instead.**

The Court continued by criticizing the senior supervisory officials for not independently reviewing the case record and instead depending on reports sent by lower-level police. Given the seriousness of the lapse, which had gravely harmed the investigation and could negatively impact the prosecution's case during trial, it was determined that a show cause notice to the IO and an explanation from the SHO were insufficient.

As a result, the Court ordered that the Commissioner of Police be given a copy of its ruling for his own review.

Additionally, the Court ordered the Deputy Commissioner of Police to get a medical opinion regarding whether the victim's injuries were adequate to induce death in the normal course of events.

The next hearing on the issue is scheduled on July 13.

Pramod Kumar, an additional public prosecutor, represented the State.

The complainant was represented by attorney Tanuj Kumar Sharma.