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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 7931/2024**

**GOVERNMENT OF NCT OF DELHI THROUGH DEPUTY
COMMISSIONER OF POLICE, OUTER DISTRICT NORTH**

.....Petitioner

Through: Mr. Prashant Manchanda, ASC with
Ms. Nancy Shah and Ms. Haridas
Medha Dilip, Advocates.
ACP Ajay Kumar, Insp. Rajesh SHO/
NIA, Insp. Arvind, SI Vishnu, SI
Tasveer and Retd. SI Rampal.

versus

**NATIONAL HUMAN RIGHTS COMMISSION THROUGH ITS
SECRETARY GENERAL & ANR.**

.....Respondents

Through: None.

**CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA**

**ORDER
20.08.2024**

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CM APPL. 32731/2024*(seeking exemption to file lengthy synopsis and list
of dates)*

1. Exemption allowed, subject to all just exceptions.
2. Disposed of.

W.P.(C) 7931/2024 & CM APPL. 32729/2024 *(seeking stay)*

3. The Petitioner/Applicant through the above-captioned application



seeks *ex-parte ad-interim* stay of the order dated 19th April, 2024¹ passed by Respondent No.1 which recommends to the Petitioner/Commissioner of Police, Govt of NCT of Delhi, to pay a sum of INR 5,00,000/- as monetary compensation to the next of kin of the deceased Mr. Rashid Raza.

4. On 12th July, 2024,² this court issued the following directions to the Petitioners:

“(i) Petitioner shall produce the CCTV footage referred to in the Inquest Report for the Court’s perusal. In case the same has to be produced from the SDM, let an appropriate request be sent to them.

(ii) Petitioner shall produce the entire call records/ logs/ details of the mobile number of the deceased from at least one week prior to the date of the death of Mr. Rashid Raza.

(iii) Petitioner shall produce the recording and time stamp of the audio message purportedly sent by the deceased from his phone number to his brother, as mentioned in the Inquest Report.”

5. In terms of previous order, the Petitioner has produced CCTV footage. Registry is directed to receive the electronic record so long as it is encrypted with a hash value or in any other non-editable format. The same be placed on the file of the present petition for the court’s viewing.

6. As regards the call records of the deceased’s mobile phone, an email was sent to the concerned Mobile Operating Company on 24th July 2024. The Mobile Operating Company’s response on 1st August, 2024 indicates that, as the data is older than two years, it was destroyed in accordance with the applicable rules and is no longer available. However, the mobile phone of the deceased is currently sealed and deposited by the police in the ‘malkhana’, the same shall be preserved for production whenever directions are issued in this regard.

¹ “Impugned Order”



7. Mr. Prashant Manchanda, counsel for the Petitioner, presses for *an ad- interim* stay on the Impugned order. The Impugned order issued by the National Human Rights Commission (Respondent No.1) concerns the death of Mr. Rashid Raza, who was found hanging in a room on the ground floor of the Police Station, Narela Industrial Area. The Impugned order states that the deceased was in police custody, and it was the responsibility of the police to prevent any harm; had they been vigilant, the suicide could have been prevented.

8. Mr. Manchanda contends that late Mr. Rashid Raza visited the police station unannounced and without prior notice to inquire about his wife's dead body. Additionally, the transcript of the audio recording sent by the deceased from his phone number to his brother, *prima facie* indicates that the deceased committed suicide. Furthermore, the CCTV footage has been viewed by the Court on the laptop presented by Mr. Manchanda. The CCTV footage seemingly shows that the deceased was in the *Sankraman Kaksh* at the police station. It can be seen that at certain timestamps, the individual in the room steps out into the corridor, after which the door closes, as indicated by the cessation of light coming from the room into the corridor. This suggests that the deceased might have been alone in the room at that time. In such circumstances the police *prima facie* could not have had a chance to prevent the unfortunate demise of Mr Rashid Raza.

9. Contentions advanced by Petitioner would require consideration.

10. In light of the above, till the next date of hearing, impugned order dated 19th April, 2024 passed by Respondent No. 1 shall remain stayed.

11. Issue notice, by all permissible modes, upon filing of process fee,

² "Previous order"



returnable on the next date of hearing. On service, such Respondents shall file their reply within a period of four weeks from the date of service.

12. Re-notify on 24th October, 2024.

AUGUST 20, 2024

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SANJEEV NARULA, J