

(2018) 03 DEL CK 0197

In the Delhi High Court

Case No : Civil Writ Petition No. 10074 Of 2017

Prashant Manchanda

APPELLANT

Vs

Union Of India And Ors

RESPONDENT

Date of Decision : 13-03-2018

Acts Referred:

Indian Penal Code, 1860 — Section 356, 379, 390

Citation : (2018) 03 DEL CK 0197

Hon'ble Judges : Gita Mittal, J;C. Hari Shankar, J

Bench : Division Bench

Advocate : Anil Soni, Nivesh Sharma, Gautam Narayan, Abhinav Goyal, R.A. Iyer, Monika Arora, Kushal Kumar, Puja Kalra, Virendra Singh, Mukesh Gupta, Shashi Gupta, Nupur Mantoo, G.D. Mishra

Judgement

1. This writ petition raises serious concern regarding the incidents of snatching in Delhi. Amongst the several issues pointed out by the petitioner, it is contended that the offence of chain snatching is booked by the Delhi Police ordinarily under Section 356/379 of the IPC which offences are punishable with imprisonment upto 3 years.

2. It is submitted by the petitioner - Mr. Prashant Manchanda that even without amendment of the Indian Penal Code making snatching a specific offence, Section 390 of the IPC would be attracted for the reason that Section 390 uses the expression "fear of instant death, of instant hurt, or of instant wrongful restraint" which is an essential part of the offence in question. It is submitted that the Delhi Police is required to examine this aspect with regard to registration of cases and booking of criminals.

3. So far as the issue of the statutory amendment to incorporate the specific offence of snatching in consonance with the law in Haryana and Punjab, we are informed by Mr. Gautam Narayan, Id. Additional Standing Counsel that the Government of NCT of Delhi has written letters to the Ministry of Home Affairs, Government of India which is required to take action in this regard.

4. No response has been filed on record by the Government of India. Let a status report setting out action taken upon the letters written by the NCT of Delhi be positively filed within four weeks from today. Rejoinder thereto, if any, be filed before the next date of hearing.

5. List on 1st August, 2018. Dasti.