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MUKESH

v.

STATE OF NCT OF DELHI

(Writ Petition (Criminal) No. 119 of 2020)

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MARCH 19, 2020

**[R. BANUMATHI, ASHOK BHUSHAN
AND A.S. BOPANNA, JJ.]**

C *Nirbhaya Case – Writ petition filed u/Art.32 by one of the
convict raising points on merits of the matter– Held: Petitioner was
given sufficient opportunity and was convicted after consideration
of the evidence – Conviction was upheld in appeal by High Court –
Crl. Appeal Nos. 607-608 of 2017 titled Mukesh & Anr. v. State of
NCT of Delhi & Ors. reported as [2017] 6 SCR 1 were dismissed by
Supreme Court – Subsequently, Review Petition (Crl.) No.570 of
D 2017 filed by the petitioner reported as [2018] 7 SCR 898 was also
dismissed – Curative Petition (R) No.6 of 2020 there against was
also dismissed – Petitioner’s Mercy Petition also rejected by the
President of India – Writ petition filed u/Art.32 challenging the said
Order was also dismissed – Petitioner also filed criminal revision
E petition before Patiala House Courts – Dismissed – Criminal Revision
Petition No.237 of 2020 filed by the petitioner challenging the said
Order was also dismissed by High Court – No ground to entertain
this writ petition – Constitution of India – Art.32.*

F CRIMINAL ORIGINAL JURISDICTION: Writ Petition
(Criminal) No. 119 of 2020.

(Under Article 32 of The Consitution of India)

Manohar Lal Sharma, Ms. Suman and Deepak Goel, Advs. for
the Petitioner.

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Chirag M. Shroff, Adv. for the Respondent.

The following Order of the Court was passed:

ORDER

1. We have heard Mr. Manohar Lal Sharma, learned counsel
appearing for Mukesh- the convict.

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2. In this writ petition, the petitioner has raised the points on merits of the matter:- (i) That there was no proper consideration of evidence; (ii) regarding the disability of Ram Singh (accused no.1) who subsequently allegedly committed suicide in the prison; and (iii) raising doubts about the arrest of the petitioner at Karoli, Rajasthan and inter alia on other points.

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3. The petitioner was afforded sufficient opportunity and after consideration of the evidence, the petitioner has been convicted which was upheld in appeal by the High Court, by the judgment dated 13.03.2014. The criminal appeal filed before this Court was heard at length and the points raised by the accused herein were considered in Crl.Appeal Nos. 607-608 of 2017 – Mukesh & Anr. v. State of NCT of Delhi & Ors. and were dismissed by the judgment of this Court dated 05.05.2017. Subsequently, Review Petition (Crl.) No.570 of 2017 filed by the petitioner herein was dismissed by the judgment of this Court on 09.07.2018. Curative petition(R) No.6 of 2020 filed by the petitioner was also dismissed by this Court on 14.01.2020. Mercy Petition of Mukesh was also rejected by His Excellency the President of India on 17.01.2020. The writ petition filed under Article 32 of the Constitution of India challenging the Order of rejection of Mercy Petition was also dismissed by this Court on 29.01.2020.

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4. The petitioner has filed the criminal revision petition before the Patiala House Courts which came to be dismissed by the Additional Sessions Judge, Patiala House Courts, New Delhi dated 17.03.2020. Criminal Revision Petition No. 237 of 2020 filed by the petitioner-Mukesh challenging the said Order dated 17.03.2020 was also dismissed by the High Court on 18.03.2020.

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5. In view of above and also considering the submissions of the learned counsel for the petitioner, we do not find any ground to entertain this writ petition filed under Article 32 of the Constitution of India.

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6. The writ petition is accordingly dismissed.

7. Pending applications, if any, shall also stand disposed of.

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