MOST IMMEDIATE
OFFICE OF THE COMMISSIONER OF POLICE : DELHI.

No. 1923 / PRO/PHQ dated Delhi the 18-09-2012

To

The Editor,
The Indian Express,
New Delhi.

Subject : **News Item "*ARRESTED, ACCUSED, ACQUITTED*" published in The Indian Express dated 18.09.2012**.

Sir,

Apropos the news item titled "*Arrested, Accused, Acquitted*" in your esteemed daily dated 18.09.2012, which is based on a compilation "FRAMED, DAMNED, ACQUITTED – Dossiers of a Very Special Cell", ostensibly based on court judgments and media reports, have to point out that the facts on which the news item is based are inaccurate. While the exact reasons for a distorted compilation is best known to "Jamia Teachers Solidarity Association", the news item published in your newspaper, without verifying the facts from us, is misleading for your esteemed readers.

6 cases out of 16 referred to in the compilation have actually ended in conviction, while one case is still pending trial. One case FIR No.146/2005, PS Kapashera, Delhi, has not been investigated by the Special Cell at all. Of the 8 cases which ended in acquittal, in 5 cases our appeals are pending against the order of the trial court before the Hon'ble High Court of Delhi. The details of cases which have ended in conviction are as follows:-

S.No.	**Terrorist Case/ FIR No.**	**U/s**	**Details.**
1.	517/96	302/307/12B, 124A, 212 IPC, Sections 3,4,5, of Explosive Substance Act, Section 25 of Arms Act.	6 accused convicted and four acquitted on 8.4.2010.
2.	Serial bomb blast cases of 1996-97	34, 120B, 121, 121 A, 122, 320, 307, 435, 436, of IPC; 3,4,4 (B), 5,7 of Explosive Substances Act; 150 of Railway Act	Convicted in 2 cases.
3.	40/05	121/121A/122/123 & 120B IPC, 4/5 Explosive Substances Act, 18/19/20/23 Unlawful Activities (Prevention) Act, & 379/411 IPC	2 accused convicted and 4 acquitted. An appeal against this order has already been filed before the Hon'ble High Court vide Crl. LP No.124/10, New No. 260/2011). The matter is pending in the Hon'ble court of Justice Geeta Mittal and Justice J.R.Midha as regular matter.

4.	09/04	121/121-A/122/123 IPC	Convicted.
5.	122/05	121/121A/122/123/120B of IPC and Section 25 of Arms Act.	One convicted and the other acquitted.
6.	96/06	121/121A/122 IPC; 5 Explosive Substances Act and 18 UAPA	The Hon'ble trial court has convicted the accused persons under the Explosive Substances Act.

To put the entire issue in perspective, it may be mentioned that 182 terrorists related cases have been registered and investigated by the Special Cell since 1992. Out of them 133, cases have been decided by the Courts of Law. The conviction rate in these cases is 68% while 24.8% cases have ended in acquittal. The remaining 10 cases have either ended in cancellation or sent as untraced. Out of these 10 cases, 3 have been cancelled and accused discharged which goes to show that the Special Cell does not frame people unnecessarily sends them to jail/court. The conviction rate of 68% indicates that the quality of investigation has been done with professionalism.

Further, it may be pointed out that the job of an investigating agency is to investigate cases, collect evidence and present it before Courts of Law for evaluation. During the trial, specially in terror related cases, the judicial scrutiny is of a considerably stringent level, and rightly so. Guilt must be proven beyond reasonable doubt. Also, there are very few public witnesses who come forward to depose before the court for fear of reprisal later. Therefore, if a case ends in acquittal, the blame is not only at the doorstep of the investigating agency.

What has also been lost right of is the successful investigation and conviction of many high profile cases, such as, Parliament House attack case, Red Fort shoot out case, Stayam and Liberty cinema blasts cases etc. by the Special Cell of the Delhi Police. In the Pt. House attack case, 3 persons including Afzal were convicted and the judgement has also been upheld by the Apex Court of the country. Similarly, in the Red Fort shoot out case, Ashfaq Ahmed was convicted which was confirmed by the Hon'ble Supreme Court of India. In the Satyam and Liberty Cinema bomb blast cases, Jagtar Singh Hawara and 8 other terrorists were convicted by the court of Sessions this September, 2012.

It is requested that these facts may be published in your esteemed daily with the same prominence as the original report, for the information of your readers. The concerned reporter may be advised to verify the facts with us before filing his stories.

Yours faithfully,

(Rajan Bhagat)
Addl. Dy. Commissioner of Police,
PRO, Delhi..