
(2022) 08 JH CK 0074

In the Jharkhand High Court

Case No : Writ Petition (PIL) No. 4199 Of 2022

?Court On Its Own Motion

APPELLANT

Vs

State Of Jharkhand

RESPONDENT

Date of Decision : 30-08-2022

Acts Referred:

Citation : (2022) 08 JH CK 0074

Hon'ble Judges : Dr. Ravi Ranjan, CJ; Sujit Narayan Prasad, J

Bench : Division Bench

Advocate : Rajiv Ranjan, Piyush Chitresh

Judgement

1. A heinous crime has widely been reported in print as well as electronic media about killing of a girl by pouring petrol over her body and setting her ablaze. The girl has succumbed to injury while being treated at Rajendra Institute of Medical Science (RIMS).

2. This Court is much perturbed upon getting such information regarding the crime. In the aforesaid facts and circumstances, we are of the view to take suo motu cognizance of the matter and, thus, have called upon learned Advocate General to assist the Court.

3. The learned Advocate General has appeared.

4. We have posed the following queries to the learned Advocate General:-

(i) What is the extent of burn injury meted out to the victim?

(ii) Why the victim was compelled to rush to RIMS from the place of occurrence, i.e., from the District of Dumka which is having at the distance of about 280 kilometers and whether the proper treatment could not have been provided in the nearby hospital, i.e., at AIIMS, Deoghar?

(iii) What is the stage of investigation and who are the persons, who have been apprehended?

(iv) It has been published in the media that one member of the disciplined force having been police robe has been interviewed by a channel wherein he has indicated something towards the mental condition of the culprit (named accused in the FIR). A question was put to the Director General of Police that how and under what circumstances, the member of disciplined force had disclosed the same in interview given to the media. Whether, he had instruction to do so by any competent authority and before uttering the same, whether, the aforesaid accused person was medically examined?

(v) It has also been reported in the media that one of the Investigating Officer has been removed from the list of Investigators.

(vi) It has also been reported that the family members of the victim is being threatened by the associates of the accused which indicates that tampering has started well before trial.

(vii) What is the age of the victim, since, in the media, it has been published that the date of birth of the victim is 26.11.2006. How she could have been shown to be major on the date of occurrence?

5. Learned Advocate General submitted that he will seek instruction in the matter.

6. This Court, however, thought it proper to call upon the Director General of Police, Jharkhand as also the Secretary of the Department of Home taking into consideration the seriousness of the matter and not only this occurrence, rather, prior to this occurrence, the other occurrences have also taken place.

7. The learned Advocate General, accordingly, was requested to communicate the same to the concerned Officers for their appearance.

8. The Director General of Police, Jharkhand has appeared, however, the Secretary of the Department of Home, since was on leave, he could not appear but one Additional Secretary of the Department of Home has appeared in his place.

9. We have interacted with the Director General of Police, Jharkhand who has submitted that immediately on the date of occurrence, the culprit was taken into custody. Another person was also apprehended who was accompanying the main accused as per the FIR.

10. He has further submitted that the Officer of the Rank of Additional Director General of Police has visited the place of occurrence as also met with the family members of the victim.

11. This Court, considering the submission of the Director General of Police, is of the view, since it is a heinous crime causing death due to pouring of petrol over the body of the girl early in the morning and the death took place while being treated at RIMS and the occurrence has stirred the conscience of not only the people of State of Jharkhand rather the entire country, is of the considered view the same is required to be monitored by this Court so that expeditious

investigation and trial could be held.

12. After considering the aforesaid, we are further of the view to issue following directions at this stage:-

(i) The Investigating Agency will place the further progress of investigation on the next date of hearing under the sealed cover.

(ii) Since, the death has occurred due to lack of medical facilities which could not be provided immediately, rather the victim had to be rushed to RIMS and as has been informed that All India Institute of Medical Science (AIIMS) in the district of Deoghar which is at the distance of about two hours from the place of occurrence was available, whether the victim should have been hospitalized at AIIMS rather than to carry her to RIMS, which is at the distance of about 280 kilometers. It is being informed at the Bar that perhaps no burn treatment is available at AIIMS.

This Court is very much surprised that when the AIIMS has started functioning in the district of Deoghar, then why, even after its functioning, burn ward is not available there?

However, in order to verify the updates about the same, this Court, deems it fit and proper to implead the Director, AIIMS, Deoghar to be a party to this proceeding, who will submit a report about the medical facilities which are available at AIIMS, Deoghar, more particularly by reporting to this Court about availability of burn ward at Deoghar. If there is no burn ward then whether the treatment for burn is available at Trauma Centre or not be also explained.

Let such report be submitted by the Director, AIIMS on or before the next date of hearing.

Let a copy of this order be communicated to the learned Additional Solicitor General of India by the office of this Court.

13. The Director General of Police, on the issue of providing security to the family members of the victim has undertaken before this Court that from today itself adequate security will be provided to the family members of the victim.

14. It has been reported that local Dy. Superintendent of Police is trying to scuttle the investigation. When this Court has confronted this with Director General of Police, he has ensured that there will be no interference by any means and by anyone in the investigation.

We hope and trust that the appropriate action by issuing appropriate order in this regard and communicating it to the Superintendent of Police of the District of Dumka will be taken in course of the day.

15. The Director General of Police has also assured this Court to enquire into the matter as to under what capacity a member of the disciplined force has spoken to the media regarding the mental condition of the named accused in the FIR. Whether it has actually come in the investigation or he was trying to give a twist?

The Director General of Police has also undertaken before this Court that there would be no delay in concluding the investigation and it is also being proposed at the State level that due request will be made to conduct the trial by the fast track court.

16. We hope and trust that the investigation will be concluded at an early date without any unnecessary delay.

17. Post this matter on 09.09.2022.

18. Let the newspapers of 'Hindustan' dated 24.08.2022 and 30.08.2022 as also 'Prabhat Khabar' dated 30.08.022 be made part of the record.

19. Office of the learned Advocate General will ensure communication of this order to the Director General of Police, Jharkhand, Secretary, Department of Home, Jharkhand and Superintendent of Police, Dumka.