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**(2002) 06 CHH CK 0003**  
**In the Chhattisgarh High Court**  
**Case No : Writ Petition No. 554 of 2001**

Parasnath Tiwari

APPELLANT

Vs

Central Reserve Police Force and Another

RESPONDENT

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**Date of Decision :** 17-06-2002

**Acts Referred:**

Constitution of India, 1950 — Article 226  
Criminal Procedure Code, 1973 (CrPC) — Section 156

**Citation :** (2002) 4 CGLJ 16 : (2003) CriLJ 1667

**Hon'ble Judges :** Fakhruddin, J

**Bench :** Division Bench

**Advocate :** P. Diwakar, for the Appellant;

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## Judgement

Fakhruddin, J.—Heard.

2. Learned Counsel for the petitioner submits that the petitioner is father of S.K. Tiwari, who was a member of Central Reserve Police Force. S.K. Tiwari (Constable No. 800650815) was posted as Constable at Bhubaneswar. An information was sent to the petitioner that his son died in an accident and his last rites have been performed. Thereafter, another letter was received by the petitioner that his son was done to death by fellow Constables. It is submitted that the petitioner is an old man of 75 years and is sick and infirm. The petitioner's wife (mother of the soldier) is also aged about 72 years old, infirm and on death-bed. Both of them are not able to walk. It is also submitted that some dues legally payable to the petitioner's son have not yet been paid.

3. Counsel for the petitioner submits that the parents of deceased S.K. Tiwari are old. Smt. Savitri Devi Tiwari (mother of deceased S.K. Tiwari) received an information to attend Vidhva Kalyan Diwas. She stated her inability to attend the said function but made a request to surrender monthly pension from her fund for five years and claimed that lump sum amount be paid and if she survives after five years, monthly pension Rs. 400/- be paid to her. Counsel further submits that the mother of the deceased S.K. Tiwari initially informed that an accident

has taken place but subsequently a letter was received that S.K. Tiwari has been done to death. She was not able to reconcile and wants to know the reason of death of her son during her lifetime. She has also prayed for supply of last photograph of his son and post-mortem report, that has not been supplied from 1989. It is submitted that much time has left but both the petitioner and his wife are anxiously want that proper enquiry be made into the matter before their death and they may be provided copy of photo-graph and post-mortem report.

4. Annexure P-2 is the representation dated 18-2-1989 submitted by mother of the deceased whereby it has been requested that she wants to surrender monthly pension available, claimed the lump sum amount and in case she survives even after five years, she demanded a monthly pension of Rs. 400/-. In this letter, she has also asked for supply of last photograph and copy of post-mortem report of his son, but the demands made by the mother of deceased have not yet been fulfilled.

5. Learned Counsel for the petitioner submits that even if the death is accidental or caused by firing there should be an enquiry into the matter and that the father and mother of S.K. Tiwari wants that C.B.I, enquiry may be ordered.

6. It is apparent that even though the time has lapsed the petitioner-father and mother of soldier are entitled to know the actual cause of death.

7. Having considered the facts and circumstances and material on record, in the opinion of this Court it is just and proper, the respondents and Union of India be given an opportunity to get the matter enquired as early as possible preferably within a period of two months from the date of production of copy of this order and submit its report. The post-mortem report and photograph and copy of enquiry report, if any, be supplied to the petitioner and the amount if any is still payable that be paid within the aforesaid period.

8. Shri V.V.S. Murty, Standing Counsel for Union of India present in the Court is directed to get the matter examined at the highest level and see all that which is possible may be done.

9. The Union of India be joined as respondent No. 3.

10. This Court was inclined to dispose of the matter, however, counsel for the petitioner submitted that two month's time may be given to the respondent and Union of India to submit their report to this Court. Two month's time is granted from the date of production of copy of this order and the matter be listed on 6th September, 2002.

11. Certified copy as per Rules.

12. A copy of this order be supplied to Shri V.V.S. Murty, Standing Counsel for Union of India who shall get the needful done.

C.C. be supplied free of cost.