

(2013) 09 JH CK 0039
In the Jharkhand High Court
Case No : WP (PIL) No. 4035 of 2013

Pawan Kumar Singh

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 05-09-2013

Acts Referred:

Citation : (2014) 1 AJR 466 : (2013) 4 JLJR 274

Hon'ble Judges : D.N. Patel, Acting C.J.; S. Chandrashekhar, J

Bench : Division Bench

Advocate : Shresth Gautam, for the Appellant; Vaibhav Kumar for the Respondent Nos. 1-4 and Mr. Md. Mokhtar Khan for the C.B.I., for the Respondent

Final Decision : Dismissed

Judgement

D.N. Patel, Actg. C.J.

1. The present Public Interest Litigation has been preferred for the following prayers:--

i. For issuance of appropriate writ(s), order(s) or direction(s) or writ in the nature of mandamus commanding the respondent to investigate into the double rape and murder committed at Police Lines, Deoghar by an independent agency such as CBI under the supervision of this Hon'ble Court as because the murdered victims were found at Police Lines and there was involvement of the some Police officials as well as their family members and also considering the fact that there has been serious lapses on the part of the investigation carried out by the police as there is some involvement of the police in the heinous crime so committed.

Counsel appearing for the petitioner submitted that petitioner has annexed Annexure-1, which is a First Information Report lodged by the father of the deceased-girls for the offence of rape as well as murder. Annexure-2 is the photograph of these two deceased-girls. Annexure-3 is the complaint filed by the father of the deceased in the Court of Sub-Divisional Judicial Magistrate, Deoghar

and it is submitted by the counsel for the petitioner that this investigation may be handed over to the C.B.I. During the course of submission, it is pointed out that the case in question has already been handed over to the C.B.I. for investigation and the C.B.I. is investigating the offence. Counsel for the petitioner is still not satisfied about the investigation carried out by the C.B.I. and has pointed out several errors committed by the C.B.I. in the investigation as mentioned in the memo of petition and it is submitted that proper investigation should be carried out to find out the accused persons.

2. We have heard counsel for the State, who has submitted that the petitioner has preferred this writ petition for handing over the investigation to the C.B.I. and by now the investigation has already been handed over to the C.B.I. It is further submitted by the counsel for the State that the father of the deceased-girls is already a vigilant party, who has lodged a First Information Report and complaint and upon proper representation, the case has already been handed over to the C.B.I. and monitoring of the investigation may not be done by this Court because the investigation is still going on and therefore, to find out a fault at this stage in the investigation would be premature. Moreover, the Annexures-1, 2 & 3 which are annexed are part of the case which is under investigation and how they came in custody of the petitioner, is also not reflected in the writ petition. This writ petition is based upon the documents, whose custody has not been properly explained by this petitioner, may not be allowed to be referred by this Court. The photograph of the two girls and other documents are not in the official custody of the petitioner and therefore, this writ petition may not be entertained by this Court.

3. Having heard the counsel for both the sides and looking to facts and circumstances of the case, we see no reason to entertain this writ petition, mainly for the following reasons:--

(i) In the facts of the present case, it appears that the case is of rape and double murder of two minors at District-Deoghar. The father of the deceased has already lodged a First Information Report.

(ii) On the basis of the First Information Report, the investigation has been carried out and looking to further evidences on record and the complexity of the issues involved, the investigation has now been handed over to the Central Bureau of Investigation.

(iii) A detailed counter-affidavit has been filed by the Deputy Superintendent of Police, Headquarter-II at Ranchi and it is stated on oath that the investigation is handed over to the C.B.I. The same is going on in its full swing and it is absolutely premature at this stage to find out fault with the C.B.I. investigation.

4. As the C.B.I. is investigating the case, we see no reason to monitor the investigation at this stage. Moreover, looking to the credentials of the petitioner, nothing has been stated in the Memo of writ petition about the credential of the petitioner. The documents which are annexed with the Memo of writ petition

includes the photograph of the dead bodies and other documents. He is not in the lawful custody of these documents. Nothing has been stated in the memo of this petition about the custody of these documents which are annexed. The documents, prima facie, have been obtained unauthorizedly by the petitioner. In these set of circumstances, we see no reason to entertain this writ petition. Accordingly, the same is hereby dismissed.