
(1995) 11 OHC CK 0013
In the Orissa High Court
Case No : O.J.C. No. 4707 of 1995

Rina Mangaraj

APPELLANT

Vs

State of Orissa

RESPONDENT

Date of Decision : 27-11-1995

Acts Referred:

Constitution of India, 1950 — Article 226, 227

Citation : (1996) 1 OLR 30

Hon'ble Judges : , Acting C.J.;R.K. Patra, J

Bench : Division Bench

Advocate : S.C. Sahoo, S.K. Sahoo and S.K. Nayak, for the Appellant; A.G.A., for the Respondent

Judgement

R.K. Patra, J.—This writ petition has come to be registered on a letter dated 20-7-1995 sent by Rina Mangaraj, the petitioner. In the said letter she has alleged that her husband Dinabandhu Mangaraj who was a taxi-driver was done to death by some persons and on discovery of the dead body it was found that his kidneys were missing, The petitioner has further alleged that she has lost faith in the investigating agency inasmuch as it has not been able to track the culprits and in the circumstances has prayed for appropriate relief from this Court.

2. Pursuant to the direction, the Officer-in-charge of Konark police station has filed counter affidavit on 11-9-1995 and further affidavit on 25-10-1995. Meanwhile the petitioner has appeared through Shri S.K. Nayak, advocate, in the case by executing vakalatnama.

3. We have heard Shri Nayak for the petitioner and Shri R. K. Mohanty, learned Additional Government Advocate, for the State. The deceased Dinabandhu, husband of the petitioner, was a driver and was plying an Ambassador car bearing registration number OSU 1104 as taxi which belonged to one Rabin Chandra Nayak of Cuttack. The taxi used to operate from College Square, Cuttack. On 26-6-1995 deceased Dinabandhu left for Puri and Konark with some

passengers in the taxi. As he did not return till 29-6-1995, the owner of the taxi reported the matter at Malgodown police station on 30-6-1995 evening. One Raju Biswal, a driver of Konark area, came and reported to Rabin Chandra Nayak that his vehicle OSU 1104 had been burnt and kept at Konark police station and the whereabouts of the driver were not known. The owner accordingly rushed to Konark and on 1-7- 1995 the dead body of Dinabandhu was found lying in the jungle. The Assistant Sub-Inspector of Police Gourishyam Nayak first registered Konark PSUD Case No. 5 of 1935 on 1-7-1995. When it was suspected that Dinabandhu was murdered, Konark P. S. Case No. 58 of 1995 under Sections 302/201, IPC has been registered. In course of investigation of the said case, it has come to light that the dead body of Dinabandhu was found lying inside the casuarina and cashewnut jungle near Mangaleswar temple, Konark which is at a distance of about 4 kms. from the marine drive road. The dead body was in a highly decomposed state and maggots had already appeared over the body and a portion of left leg was not found. Autopsy was conducted over the dead body and as per the post mortem report the cause of death was shock due to burn. The doctor has also further opined that administration of poison could not be ruled out. From the aforesaid, it can be reasonably inferred that Dinabandhu Mangaraj was murdered and the dead body was thrown inside the jungle. Shri Nayak, learned counsel for the petitioner submitted that investigation is not being conducted in right earnest and no reliance can be placed on the Investigating Officer. He accordingly submitted that investigation of the case should be entrusted to the CBI. Learned counsel made allegation that although the Inspector-in-charge of Konark P. S. who is investigating into the case has stated in his affidavit that he had come to Cuttack Taxi stand to ascertain the description/appearance of passengers who travelled in the car in which the deceased Dinabandhu was the driver, no such entry has been made in the case diary. Be that as it may, on perusal of the case diary produced by the learned Additional Government Advocate, we are satisfied that investigation of the case is not being pursued with promptitude. Although the occurrence had taken place in last June, till now there is no headway. In the peculiar circumstances and in the interest of justice, we are inclined to hold that investigation of the case should be taken up by some other agency of the State. We accordingly direct the Superintendent of Police, Crime Branch, Cuttack, to take up investigation of Konark P.S. Case No. 58 of 1995 and entrust the same to a competent officer of the Crime Branch to investigate the same and track the real culprits.

4. With the aforesaid observation and direction, the writ application is disposed of.