
(2006) 04 AHC CK 0178

In the Allahabad High Court

Case No : Criminal Miscellaneous Writ Petition No. 4762 of 2006

Sidharth Manohar

APPELLANT

Vs

State of U.P.

RESPONDENT

Date of Decision : 26-04-2006

Acts Referred:

Penal Code, 1860 (IPC) — Section 304, 304A, 337, 338, 427
Penal Code, 1860 (IPC) — Section 304, 304A, 337, 338, 427

Citation : (2006) 9 ADJ 248

Hon'ble Judges : R.C. Deepak, J;M.K. Mittal, J

Bench : Division Bench

Advocate : G.S. Chaturvedi and Udai Chandani, for the Appellant; Ravi Kumar Jain, Satish Trivedi, Surendra Singh and Swetashwa Agarwal and A.G.A., for the Respondent

Final Decision : Disposed Of

Judgement

R.C. Deepak and M.K. Mittal, JJ.—Heard Sri G.S. Chaturvedi, learned senior advocate with the assistance of Sri Udai Chandani, learned Counsel for the petitioner, Sri Satish Trivedi, Sri Ravi Kiran Jain, learned senior advocates assisted by Sri Swetashwa Agarwal, learned Counsel for the respondent No. 5, Sri Surendra Singh, learned additional government advocate for the State and perused the record.

2. By means of this criminal misc. writ petition, the petitioner Sidharth Manohar has challenged the validity of the first information report registered as case crime No. 95 of 2006 under Sections 304A, 337, 338 and 427 IPC at police station Civil Lines, district Meerut wherein he has been figured as an accused.

3. Briefly stating the facts of the case are that an Exhibition was organized in Victoria Park, Meerut. There was no proper arrangement for extinguishing fire. The fire has taken place therein as a result of which the fire caused death of several persons and good number of people sustained grievous injuries, that the articles were burnt to ashes. It is alleged that this fire took place due to the

gross negligence of the organizer of the Exhibition.

4. The principal submission raised by the learned Counsel for the petitioner before this Court is that the petitioner is not the organizer of the Exhibition, but he got prepared the Pandaal of the Exhibition, therefore, he cannot be held responsible for the alleged occurrence. His further contention is that initially a case punishable under Sections 304A, 337, 338 and 427 IPC was registered, but now Section 304A IPC has been converted into Section 304 IPC. In support of his contention, the learned Counsel for the petitioner has relied upon the observations of the Hon''ble Apex Court in the following cases:

(i) Kurban Hussein Mohammedali Rangwalla Vs. State of Maharashtra,

(ii) Shamsheer Khan Vs. State (NCT of Delhi),

5. We have gone through the arguments of the learned Counsel for the parties and the facts and circumstances of the case. It is too an early stage to determine the responsibility or to fix the liability of anyone in the alleged occurrence.

6. The exoneration is still an exceedingly difficult task. The investigation is in progress. A large number of people have lost their lives, that several persons sustained grievous burn injuries and good number of such persons, who were present in the Exhibition, are still missing. This sad occurrence is not a simple one, but it signifies a massacre wherein the innocent people including the ladies and children lost their lives and are missing also. In a situation at hand, it will be somewhat improper to this Court to make any roving enquiry in the matter. It is only the investigating agency to work out the truth in this regard.

7. So far as the cases referred in this regard are concerned, with due regard to the observations, we are of the view that the facts and circumstances of the present case and the cases cited are different. In the referred cases, the observations were made after recording of the evidence, but in the present case even the investigation has not been concluded. Therefore, we do not find it proper to dwell into such facts which call for an investigation.

8. The writ petition stands disposed of accordingly.