
(2014) 05 SC CK 0080
In the Supreme Court Of India
Case No : W.P. (Crl.) No. 49 of 2012

State of Gujarat

APPELLANT

Vs

Union of India

RESPONDENT

Date of Decision : 08-05-2014

Acts Referred:

Constitution of India, 1950 — Article 32

Citation : 2014 (8) SCALE 569

Hon'ble Judges : R.M. Lodha, C.J.;Madan B. Lokur, J;Kurian Joseph, J

Bench : Full Bench

Final Decision : Allowed

Judgement

1. The reliefs sought for in the writ petition are as follows: (b) direct all the State Governments/Union Territories to evolve and formulate an uniform nation-wise policy providing for an independent agency in terms of the "Monitoring Authority/Special Task Force" created by the Petitioner to investigate all cases of alleged encounters so as to ensure that on one hand extrajudicial killings under the garb of "fake encounters" stops and at the same time honest police officers, discharging their duties against terrorist organizations/organized criminals are not demoralized being under the threat of possibility of motivated allegations being made against them.

(c) direct all cases of alleged encounter deaths in all States in past 10 years to be investigated by such independent Monitoring Authority & Special Task Force to be constituted by each State/Union Territory in line of the Petitioner State and reports of such Monitoring Authority may be directed to be placed before this Hon'ble Court.

We have carefully considered the reliefs sought for in the writ petition and in our view, the reliefs prayed for by the Petitioner cannot be granted by this Court in its jurisdiction under Article 32 of the Constitution of India.

2. Writ petition is, accordingly, dismissed. All pending applications stand disposed

of.