

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition (Crl.) No(s).132/2016

ASHA RANJAN

Petitioner(s)

VERSUS

STATE OF BIHAR AND ORS.

Respondent(s)

(With appln.(s) for seeking the shifting of Respondent No.3
to Tihar Jail, Delhi from Siwan Jail, Bihar and directions
and exemption from filing O.T. and office report)
(For final disposal)

WITH

W.P.(Crl.)No.147/2016

(With appln.(s) for directions)

Date : 28/11/2016 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DIPAK MISRA

HON'BLE MR. JUSTICE AMITAVA ROY

For Petitioner(s) Mr. Kislay Panday,Adv.
Mr. Ankur Gogia,Adv.
Mr. Rishi Kapur,Adv.
For Ms. Manju Jetley,Adv.

Mr. Dushyant Dave,Sr.Adv.
Mr. Rohit Kumar Singh,Adv.
Mr. Govind Jee,Adv.
Mr. Omanakuttan K.K.,Adv.
For Mr. Prashant Bhushan,Adv.

For Respondent(s) Mr. P.S. Narasimha,ASG
UOI,CBI Mr. Shamik Sanjanwala,Adv.
Mr. Pradeep Kumar Dey,Adv.
Mr. T.N. Razdan,Adv.
Mr. K.L. Janjani,Adv.
For Mr. M.K. Maroria,Adv.

Mr. Manish Kumar,Adv.
Ms. Varsha Poddar,Adv.
For Mr. Gopal Singh,Adv.

No.3 Mr. Shekhar Naphade,Sr.Adv.
Mr. M. Shoeb Alam,Adv.
Ms. Fauzia Shakil,Adv.

Mr. Ujjwal Singh,Adv.
Mr. Mojahid Karim Khan,Adv.

No.4

Mr. Surendra Singh,Sr.Adv.
Mr. D.S. Parmar,Adv.
Mr. Susheel Tomar,Adv.
For Ms. Abha R. Sharma,Adv.

UPON hearing the counsel the Court made the following
O R D E R

Mr. P.S. Narasimha, learned Additional Solicitor General appearing for the CBI, being assisted by Mr. Pradeep Kumar Dey, learned counsel, has submitted, in the Court, in a sealed cover the status report dated 28th November, 2016, in CBI Case No.RC.11(S)/2016-SCU.V/SC-II/CBI New Delhi (Rajdeo Ranjan Murder Case), in compliance of the order dated 17th October, 2016. The CBI, after collecting the records, has taken the following steps :

- "(i) The local police records were scrutinized. The exhibits including arms and ammunition, clothes of the deceased, mobile instruments of the accused persons and deceased were collected. The mobile instruments were sent to the expert for retrieving data including deleted data which is awaited.
- (ii) CFSL team from New Delhi inspected the scene of crime in the presence of IOs of local police and the witnesses who had seen the body. The CFSL team also interacted with the doctors who conducted the post mortem of the deceased. The report of CFSL is awaited.
- (iii) Call details of the accused, suspect, deceased and other relevant persons/witnesses were collected which are under scrutiny. Efforts are being made to identify the actual users of these

numbers. Further CDRs of other relevant numbers which emerged during the examination of witnesses and interrogation of suspect/accused are also being collected and scrutinized.

- (iv) The hard disk of computer being used by the deceased was collected and sent to the expert to find any relevant material of the case. The report is awaited.
- (v) CCTV installed near the scene of crime and enroute has been sent to expert and the report is awaited.
- (vi) Around 70 witnesses were examined which included the complainant and his family members, IOs associated with the case, doctors who conducted post mortem, persons connected with print media and others to know the details and motive for killing the deceased.
- (vii) So far three suspects/accused namely Sonu Kumar Soni, Mohammad Kaif @ Bunty and Javed were taken on police remand and interrogated in depth. The facts revealed by them during interrogation are being verified. Accused Azharuddin Beig @ Laddan Miyan was interrogated in Judicial Custody in Central Jail, Gaya.
- (viii) The Ld. Court has been approached with a request to direct accused Azharuddin Beig @ Laddan Mian to give consent for his scientific test including Narco Analysis Test.
- (ix) The suspect/accused Mohammad Kaif @ Mohd. Kaif @ Bunty has given his consent in writing for undergoing scientific test including Narco Analysis Test and accordingly, Ld. Court has been requested to give directions to him to undergo these tests.
- (x) Efforts are being made to identify and record

statements of eye witnesses to the crime but local shopkeepers are not forthcoming to identify the killers."

It is submitted by Mr. Dushyant Dave, learned senior counsel appearing in connected writ petition, being W.P. (C)No.147/2016, the petitioner has lost three sons and Respondent No.3 has been convicted but in many cases trial is in process. According to Mr. Dave, the case should be transferred to CBI for further investigation and the respondent should be shifted to Tihar Jail at Delhi.

During the course of hearing, it is submitted with immense vehemence by Mr. Shekhar Naphade, learned senior counsel appearing for Respondent No.3, that transfer of the case to CBI is one thing but the transfer of accused or the convict to Delhi is not warranted, as the right of visitation by the relatives of Respondent No.3 would be jeopardized, apart from other grounds.

Mr. Narasimha, learned Additional Solicitor General, would submit that it is a fit case where Respondent No.3 should be transferred to Tihar Jail, Delhi and the trial in the pending cases should be held at Delhi.

The core issue that would arise for deliberation is whether the concept and conception of fair trial would command transfer of the cases to the CBI for conducting as well and the shifting Respondent No.3 from the District Judge, Siwan to Tihar Jail, Delhi. The learned counsel requested to hear the matter tomorrow.

Let the matters be taken up for further hearing tomorrow, i.e., on 29th November, 2016, at 2.00 p.m.

(Sarita Purohit)
Court Master

(H.S. Parasher)
Court Master