

ITEM NO.7

COURT NO.2

SECTION X

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(s) (Criminal) No(s). 124/2016

NEELAM MISHRA

Petitioner(s)

VERSUS

UNION OF INDIA AND ORS

Respondent(s)

(With Office Report)

Date : 24/03/2017 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE DIPAK MISRA
HON'BLE MR. JUSTICE A.M. KHANWILKAR
HON'BLE MR. JUSTICE MOHAN M. SHANTANAGOUDAR

For Petitioner(s) Mr. P.S. Narasimha, ASG (AC) (NP)

Mr. V. Shekhar, Sr. Adv.
Mr. Nishant Anand, Adv.
Mr. Shashank Shekhar, Adv.
Mr. Sound Palit, Adv.
Mr. Anand Gautam, Adv.
Mr. Chander Shekhar Ashri, Adv.

For Respondent(s) Mr. Ajit Kumar Sinha, Sr. Adv.
Mr. Sudarshan Singh Rawat, Adv.
Mr. R.K. Rathore, Adv.
Mr. B. Krishna Prasad, AOR

Mr. D.S. Mahra, AOR

Mr. Rana Mukherjee, Sr. Adv.
Mr. Rajiv Nanda, Adv.
Mr. P.K. Dey, AOR
Mr. Bharat Singh, Adv.
Mr. Mukesh Kumar Maroria, Adv.

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

The petitioner, a mother in distress, has invoked the jurisdiction of this Court under Article 32 of the Constitution of India for transfer of the investigation pertaining to FIR

No.0003/2016 registered with the Crime Branch, Delhi to the Central Bureau of Investigation (CBI) for further investigation. The assertion in the petition is that her daughter, Pooja, died under mysterious circumstances on 1.8.2015 at the age of 22 and the photographs of the deceased reveal that there has been assault with immense brutality which could not have been caused by an accident. It is apt to mention that the medical report mentions that the injuries suffered by the victim do not rule out a homicidal assault. That apart, the report also reflects that the injuries that have been sustained by the victim may be due to striking of edged heavy blunt weapon during inter-personal violence.

It is submitted by Mr. V. Shekhar, learned senior counsel for the petitioner that there has been no proper investigation in respect of the crime in question and effort is being made for some unfathomable reason to treat it as an accident. True it is, some investigation has been carried out by the Crime Branch of Delhi Police after the case being transferred from NOIDA as there was total inaction by the NOIDA Police. It is urged by Mr. Shekhar, learned senior counsel that the material evidence, as is demonstrable, has been destroyed by the accused persons who have some influence and, therefore, it is a fit case to assuage the feelings of an anguished mother in search of justice to be transferred the investigation to the CBI.

Mr. Rana Mukherjee, learned senior counsel for the CBI and Mr. Ajit Kumar Sinha, learned senior counsel appearing for the Delhi Police though initially made an effort to put forth before the Court that the Delhi Police has taken extreme pains to solve the issue and, therefore, no fault can be found with its status report, later on they left it to the discretion of the Court.

At this juncture, we make it clear that we do not think that there has been any kind of laxity in the investigation carried out by the Delhi Police, but there can be no doubt that the CBI is more equipped and the citizens of this country have faith in its

investigating abilities.

In view of the aforesaid, we direct the CBI to investigate into the crime independently and file the status report before this Court within three months hence. Needless to say, when the CBI is conferred the responsibility by this Court to investigate into the crime, it has to investigate independently, impartially and objectively without being influenced by any kind of prior investigation or prior status report.

Let the matter be listed on 10.7.2017.

(Gulshan Kumar Arora)
Court Master

(Madhu Narula)
Court Master