

ITEM NO.41

COURT NO.7

SECTION II-A

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

Petition(s) for Special Leave to Appeal (CrI.) No(s). 403/2022

(Arising out of impugned final judgment and order dated 22-05-2020 in MCRC No. 11383/2016 passed by the High Court Of M.P Principal Seat At Jabalpur)

ATTU

Petitioner(s)

VERSUS

SHER SINGH &amp; ORS.

Respondent(s)

IA No. 8217/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 8219/2022 - EXEMPTION FROM FILING O.T.)

Date : 07-11-2022 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE AJAY RASTOGI

HON'BLE MR. JUSTICE C.T. RAVIKUMAR

For Petitioner(s) Mr. Suryanarayana Singh, Sr. Adv.  
Ms. Pragati Neekhara, AOR  
Mr. Shantanu Sharma, Adv.

For Respondent(s) Mr. Sadashiv, AOR  
Mr. Sharwan Kumar Goyal, Adv.  
Mr. Pawan Kumar, Adv.

Mr. Sunny Choudhary, AOR  
Mr. Yashraj Singh Bundela, Adv.

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

The petitioner has approached this Court with the complaint that his minor son Manoj Prajapati who was at one point of time made accused in FIR dated 18.01.2005 registered for offence under Sections 354, 506, 294 of IPC.

The fact is that his minor son is not traceable and when

Habeas Corpus Petition was filed before the High Court, it came to be dismissed and that is the reason for which he has approached this Court by filing instant petition.

After the notice was issued by this Court, the State Government on each date of hearing is filing the status report but we feel that there is a paper compliance and nothing positive is coming forward.

As to the complaint of which the cognizance has been taken by this Court the petitioner's son is missing almost for 17 years and we do not appreciate the manner in which the investigation is being conducted by the respondents authorities.

The last status report which has been placed for perusal is also of paper compliance indicating that search warrants have been issued in neighbouring villages but nothing has come forward. Obviously, nothing will come forward for the reason that this minor son is not traceable for more than 17 years. The question of his availability in nearby villages does not ordinarily arise.

We direct the State Government to form a SIT and further investigation be handed over to the SIT in compliance of the order of this Court and status report now be submitted to this Court by the SIT formed by the State Government to be headed by an Inspector General of Police.

List after three months.

(MONIKA DEY)  
COURT MASTER (NSH)

(ASHWANI KUMAR)  
ASTT. REGISTRAR-cum-PS