

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<u>WPCRL No.1010 of 2026</u> <u>Hon'ble Rakesh Thapliyal, J.</u> 1. Mr. T.A. Khan, learned Senior Counsel assisted by Mr. Mohd. Shafy, learned counsel for the petitioners. 2. Mr. B.C. Joshi, learned A.G.A. for the State. 3. By the instant writ petition, the petitioner is praying for the following reliefs:- (i) <i>To issue a writ order or direction in the nature "mandamus" directing the police of P.S. Kashipur, District Udham Singh Nagar to register an FIR pertaining to the offence under section 103 of BNS, against the respondent no.6 and 7 as well as against two more persons.</i> (ii) <i>To direct the Inspector General of Police Kumaun Range Nainital to conduct the investigation of the matter with regard to the murder of the son of the petitioner under his control and the investigation should not be conducted by the police of P.S. Kashipur.</i> (iii) <i>To direct the Chief Medical Superintendent of Sushila Tiwari Hospital Haldwani to conduct the post mortem of the dead body of the son of the petitioner Late Mursalin @ Anas and the police of P.S. Kashipur be directed to take out the dead body from Qabristan and hand it over to the Chief Medical Superintendent, Sushila Tiwari, Hospital, Haldwani to conduct post mortem and after completion of the post mortem, the dead body be directed to be handed over to the petitioner for burial."</i> 4. The aforesaid relief, has been sought by the petitioner, on the ground that in fact his

			son - deceased was murdered, as there is an injury mark on the backside of head. Photographs of the deceased have also been annexed with the writ petition. Certain video clips have also been shown including the photograph of bloodstained clothes. He submits that though the police came to know about this incident on 17.05.2026 but the FIR has been registered only after filing of this petition i.e. on 01.06.2026 that too only for the offence punishable under Section 107 of BNS 2023 though it is a case of an offence punishable under Section 103 BNS. 5. By relief (iii), the petitioner is praying that the officials of Police Station - Kashipur be directed to take out the dead body from Qabristan and hand over to the Chief Medical Superintendent of Sushila Tiwari Hospital Haldwani to conduct the post mortem again. 6. After gone through with the certain video clips and the photographs as enclosed and the manner of lodging the FIR after filing of this petition though admittedly the death was unnatural, some suspicion arose on the post mortem report, after seeing the video clips as well as photographs with regard to the blood stained clothes. This Court is of the view that for the purposes of fair investigation and to ascertain whether it's a case of Section 103 of BNS 2023 or Section 107 of BNS 2023, the post mortem of the dead body should be conducted again. 7. In such view of the matter, the S.H.O of Police Station Kashipur is directed to constitute a team to take out the body from Qabristan and hand over the same, in the presence of the petitioner to the Chief Medical Superintendent of Sushila Tiwari Hospital Haldwani for conducting post-mortem examination by a team of panel of doctors and submit post mortem report before this Court in a sealed envelope. 8. List this matter on 15.06.2026.
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