

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Writ Petition(CrI.) No. 282/1997

KISHAN CHAND RATHORE

Petitioner (s)

VERSUS

UOI & ORS

Respondent (s)

(Office report for direction)

Date : 25/01/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE R.C. LAHOTI
HON'BLE MR. JUSTICE BRIJESH KUMAR

For Petitioner (s) Mr. Rakesh K. Khanna, adv.
for Mr. Surya Kant, adv.

For Respondent (s) Mr. Harish N. Salve, SG
For CBI Mr. T.C. Sharma, adv.
Mr. P. Parmeswaran, adv.

Mr. Sunil Kr. Jain, adv.
for M/s Jain Hansaria & Co.

Mr.Khwairakpam Nobin Singh, adv.

For Delhi Police Mr. Rajeev Sharma, adv.
Mr. D.S. Mahra, adv.

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

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The the writ petition is disposed of in terms of the
signed order.

.SP1

(Ajay Kr. Jain)
Court Master

(Prem Prakash)
Court Master

(Signed order is placed on the file)

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CRIMINAL ORIGINAL JURISDICTION

WRIT PETITION (CRL.) NO. 282 OF 1997@@
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Kishan Chand Rathore Petitioner

Versus

Union of India & Ors. Respondents

O R D E R@@
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On receipt of a letter from one Shri K.C. Rathore bringing to the notice of this Court that his daughter Veena, who had been married to Sanjay Rathore in November, 1985, had died as a result of firearm injuries and despite complaint having been duly lodged, the police had taken no action and filed the case, this Court treated that as a writ petition and notice was issued. Copy of the inquest report was sent for from the Sub-Divisional Magistrate, from which it appeared that death of Veena was unnatural. Additional Commissioner of Police while forwarding the inquest report intimated that case had been transferred to the crime branch for investigation. We were informed that the investigation was being monitored by the Chief Metropolitan Magistrate, Delhi.

Subsequently, a report dated 9th July, 1998 was received from the Chief Metropolitan Magistrate, Delhi. After perusal of that report, it appeared to us that the matter had not been properly dealt with and, therefore, we considered it appropriate vide our order dated August 24, 1998 to direct that a copy of the letter petition together with all other relevant material and report of the learned Chief Metropolitan Magistrate dated 9th July, 1998 be forwarded to the Director, Central Bureau of Investigation, for investigation of the case relating to the unnatural death of Veena. It was further directed that investigation be entrusted to a responsible officer and be supervised by an officer not below the rank of Superintendent of Police attached to the C.B.I.

After detailed investigation, C.B.I., has submitted a report dated 21st November, 2000. In the report inter alia it is stated that on the basis of the evidence collected, a case under Section 120B read with Sections 302, 316 and 201 IPC has been registered against (1) Sanjay Rathore, husband of deceased Veena, (2) Virender, (3) Satish, (4) Raju, (5) Smt. Alka and (6) S.K. Sharma and that a charge-sheet has already been filed in the Court of the learned Chief Metropolitan Magistrate, Delhi on 24th October, 2000. The learned Chief Metropolitan Magistrate, Delhi, has since taken cognizance of the offences and process has already been issued against all the six accused persons.

In view of these developments, since accused persons have been charge-sheeted and the case has been filed in the Court of learned Chief Metropolitan Magistrate, no further orders are required to be made in this writ petition which

appears to have served its purpose.

We, however, clarify that this order shall not be construed to create any bar on further investigation or filing of a supplementary charge-sheet by the C.B.I., if found necessary. We also wish to make it clear that in the event it is found during or after the trial that apart from the accused persons involved in the murder, there has been any dereliction of duty or complicity on the part of any doctor or police officer or other authority, appropriate action under Rules shall be taken against them by the department concerned.

With the above observations, the writ petition is disposed of.

.SP1

.....CJI.

.....J.
(R.C. LAHOTI)

New Delhi,
January 25, 2001.

.....J.
(BRIJESH KUMAR)