

ITEM NO.1

COURT NO.11

SECTION IIA

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 (Crl) No(s).3248/2010

(From the judgement and order dated 30/03/2010 in
4681/2009 of The HIGH COURT OF JHARKHAND AT RANCHI)

WPPIL No.

RAVI B. PARIKH

Petitioner(s)

VERSUS

TAPSI CHOUDHARY & ORS.

Respondent(s)

(With office report)

Date: 06/04/2011 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI
HON'BLE MR. JUSTICE ASOK KUMAR GANGULY

For Petitioner(s) Mr.A.K.Ganguly, Sr.Adv.
 Mr.Sidharth Luthra, Sr.Adv.
 Mr. Abhinav Mukerji,Adv.
 Mr.Arijit Mazumdar, Adv.
 Mr.Udit Sarkar, Adv.

For Respondent(s) Mr.Colin Gonsalves, Sr.Adv.
 Ms.Divya Jyoti, Adv.
 Ms.Jyoti Mendiratta,Adv.

Mr.H.P.Raval, ASG
Mr.Harish Chander, Sr.Adv.
Ms.Shweta Verma, Adv.
Mr.Manish Chandra, Adv.

Mr. Anil K. Jha,Adv.

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

The petitioner is aggrieved by the order of the Division
Bench of the Jharkhand High Court whereby the Central Bureau of
Investigation (for short, 'C.B.I.') to which the case relating to
death of Mausami Choudhary (daughter of respondent No.1) was
entrusted by the High Court vide order dated 15.10.2009 was
directed to register a case in terms of the allegations made by
respondent No.1 and then proceed with the investigation. The
relevant paragraphs of the impugned order are extracted below:

"We also fail to understand under what authority
of law, the Investigating Authority has arrived
at a finding that it was a case of accidental
death and refused even to register a case under
Section 302 I.P.C. We had given an opportunity to

the respondent-C.B.I. to explain as to why a case has been registered only under section 287 I.P.C. ignoring the version of the informant-mother, in reply to which it has merely been stated that no evidence was found in support of the charge of killing of the deceased, completely missing that if at the first instance itself a case under Section 302 I.P.C. had not been registered by the C.B.I. Despite the complaint of the mother of the deceased we fail to comprehend as to what investigation could possibly be done by the Investigating Authorities in regard to the allegation levelled by the informant.

It is, therefore, of imperative legal necessity to direct the respondent - Investigating Authority to first of all register a case as alleged by the mother of the deceased, after which obviously they would be free to proceed with the investigation in the light of the statements, due to be recorded in course of their investigation, on the basis of which a charge sheet could be submitted under the relevant section of I.P.C. in the light of the evidence collected."

We have heard learned counsel for the parties at length and carefully scrutinized the documents produced before this Court. We have also gone through the judgments of this Court in Popular Muthiah vs. State represented by Inspector of Police, (2006) 7 SCC 296, Kedar Narayan Parida vs. State of Orissa (2009) 9 SCC 538 and Babubhai Jamnadas Patel vs. State of Gujarat (2009) 9 SCC 610

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and are convinced that in the facts brought before it, the High Court was fully justified in passing the impugned order.

The special leave petition is accordingly dismissed.

Since the investigation of the case by the State Police and the present team of the C.B.I. has not been found to be satisfactory, it is expected that the Director, C.B.I. would entrust further investigation to another team of officers. We

hope that the C.B.I. will complete the investigation as early as possible and, if necessary, file supplementary charge-sheet within three months. Once the supplementary charge-sheet is filed, the concerned trial Court shall take all steps necessary for expeditious disposal of the case.

A copy of this order be immediately forwarded to the Director, C.B.I, New Delhi.

(Satish K.Yadav)
Court Master

(Phoolan Wati Arora)
Court Master