

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

Petition(s) for Special Leave to Appeal (Crl.) No. 4054-4057/2000

(From the judgement and order dated 13/09/2000 in CRMWP 310/2000  
in Crl.MWP 1741,1743 & 2996/2000 of The HIGH COURT OF JUDICATURE AT  
ALLAHABAD)

MEENAKSHI AGRAWAL & ANR.

Petitioner (s)

VERSUS

STATE OF U.P. & ORS.

Respondent (s)

( With Appln(s). for stay of arrest & stay the proceedings )  
( For Final Disposal )  
With

SLP(Crl.)No. 4270/2000

Date : 07/09/2001 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.B. PATTANAIAK  
HON'BLE MRS. JUSTICE RUMA PAL

For Petitioner (s) Mr. P.S. Mishra,Sr.Adv.  
Mr.P.N. Mishra,Sr.Adv.  
Mr. A.Sharan,Sr.Adv.  
Mr.S.Chandra Shekhar,Adv.  
Mr. C.D. Singh,Adv.  
Mr. Himanshu Shekhar,Adv.

For Respondent (s) Mr. Dinesh Dwivedi,Sr.Adv.  
Mr. Gopal Singh,Adv.

State of Uttaranchal M/s. Ajay K. Agrawal,C.Siddharth,D.Tiwari,  
Mahesh Chandra and Anamika Agrawal,Advs.

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

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.SP2

The Special Leave Petitions are disposed of.

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(Y.P.Dhamija) (Suneet Bala Sharma)@@  
AA  
Court Master Court Master@@

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Signed order is placed on the file.

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IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

SPECIAL LEAVE PETITION(CRL) Nos.4054-4057/2000@@  
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Meenakshi Agrawal & Anr. ..Petitioners

Vs.

State of U.P. & Ors. ..Respondents

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In view of the limited notice that had been issued in this case, the question that arises for consideration is whether there was any justification on the part of the State Government to change the investigation from CBCID to the local Police. Be it be stated, earlier the local Police itself had investigated and filed a final form stating that no case has been made out, but on the instruction of the Public Prosecutor a further investigation had taken place. We are not examining the legality of that in the present proceedings, inasmuch as the High Court itself, subsequent to the aforesaid order directing further investigation, directed by order dated 1.12.1999 that the investigation should be over early, and the matter should be concluded. It is no doubt true that in the matter of an investigation into an offence the competent authority is the State Government, and it may be possible on the part of the State Government to direct whether the local Police would investigate or CBCID would investigate. But having regard to the facts and circumstances of the present case, CBCID having allowed to investigate into the matter, there was no justification to change the investigation to the

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hands of the local Police. Mr. P.S. Mishra states that the CBCID was about to conclude the investigation and submit its final form, and possibly the State Government being aware of the same, directed change of investigation to the local Police. We are, however, not persuaded to examine that since there is no material on records for the same. Suffice it to say that in the absence of any allegation of inaction on the part of the CBCID, the State Government was not justified in handing over the investigation again to the local Police. In that view of the matter, the order directing investigation by the local Police is quashed. Whatever the materials they have collected, that may be handed over to the CBCID and CBCID may

conclude the investigation and submit its report either in the nature of a final form or in form of a charge-sheet on the materials on record, including the earlier reports, which the police had submitted in the case indicating no case has been made out. These Special Leave Petitions are disposed of. The investigation may be completed as expeditiously as possible. If any protection had been granted by the High Court to the petitioner during the pendency of the investigation, that protection may continue.

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.....J.  
(G.B. PATTANAİK)@  
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New Delhi,  
September 7, 2001

.....J.@@  
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( RUMA PAL )@@  
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