

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl) No(s).6624/2007

(From the judgement and order dated 29/09/2007 in WA No. 605/2007 of the HIGH COURT OF M.P. AT GWALIOR)

RADHEY SHYAM BHARGAV & ANR.

Petitioner(s)

VERSUS

STATE OF M.P.& ORS.

Respondent(s)

(With application for stay)

Date: 14/05/2008 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.B. SINHA

HON'BLE MR. JUSTICE LOKESHWAR SINGH PANTA

For Petitioner(s) Mr. Rishi Malhotra,Adv.

For Respondent(s) Mr. Merusagar Samantaray,Adv.

Mr. Sunny Chowdhary,Adv.

Mr. C.D. Singh,Adv.

Mr. Jai Prakash Pandey,Adv.

UPON hearing counsel the Court made the following
ORDER

A letter has been circulated for adjournment of the matter on the ground of purported personal difficulty of the Advocate-on-record for the petitioners. However, the learned counsel appearing on behalf of the State of M.P. and the learned counsel appearing on behalf of the private respondent (Respondent No.9) oppose the said prayer for adjournment.

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We have gone through the status report submitted on behalf of respondent Nos. 1 to 8 which is supported by an affidavit affirmed by Mr. Atul Singh, Superintendent of Police, Gwalior, the relevant portions whereof read as under:

"1. That the investigation is almost complete in the above matter and only the arrest is required to be made and then the charge-sheet will be filed. The Crime No. 282/2006 under Section 498-A and 304-B/34 of IPC was registered on 18.4.2006 and it was investigated by Superintendent of Police, Gwalior. From the statements of witnesses of the material side of the deceased Anju Bhargav offences under Section 498-A and 304-B/34 of IPC have been found to be established. From the postmortem report it has been informed by the Medico Legal Institute, Bhopal that

the death of the deceased is possibly due to strangulation and the injuries caused to the deceased are of some time prior to the death.

2. The death of the deceased is within 7 years from the marriage and according to the experts of the Medico Legal Institute, Bhopal the body of the deceased was found hanging on the almirah and the hanging marks on the body are different than the actual marks.

3. After investigation attempts were made to arrest the accused persons but all accused persons are absconding from their residence about which a proclamation has been issued under Section 82 of Cr.P.C. on 6.11.2007 from the Court of Judicial

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Magistrate, Dabra, District Gwalior against accused persons namely Radhey Shyam Bhargav, Ghanshyam Bhargav and Lakhanlal Bhargav."

In view of the statements made in the said status report, we clarify that the Investigating Officer would be at liberty to take all such steps which would enable him to complete the investigation.

(A.S. BISHT)
COURT MASTER

(PUSHAP LATA BHARDWAJ)
COURT MASTER