

ITEM NO.60

COURT NO.17

SECTION II-C

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). 3625/2023

(Arising out of impugned final judgment and order dated 07-12-2022 in WPCRL No. 467/2021 passed by the High Court Of Delhi At New Delhi)

SATISH KUMAR

PETITIONER(S)

VERSUS

STATE (GOVT. OF NCT OF DELHI) & ORS.

RESPONDENT(S)

(IA No. 56830/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT IA No. 56833/2023 - EXEMPTION FROM FILING O.T.)

Date : 21-10-2024 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE PANKAJ MITHAL
HON'BLE MR. JUSTICE R. MAHADEVAN

For Petitioner(s) Mr. Amit Anand Tiwari, Sr. Adv.
Mr. Rohitash S. Nagar, Adv.
Mr. Sachin Kr. Tokas, Adv.
Mr. Jitender, Adv.
Saushriya Havelia, Adv.
Mr. Ashwani Kumar Dubey, AOR

For Respondent(s) Mr. Vikramjit Banerjee, A.S.G.
Mr. Nachiketa Joshi, Sr. Adv.
Mr. Mukesh Kumar Maroria, AOR
Mr. Annirudh Sharma-II, Adv.
Mr. Pratyush Srivastava, Adv.
Mr. Prashant Rawat, Adv.
Mr. Chitransh Sharma, Adv.
Mr. Narhari Singh, Adv.
Mr. Santosh Kumar, Adv.

Mr. Arvind Kumar Sharma, AOR

UPON hearing the counsel, the court made the following
O R D E R

1. Heard learned counsel for the parties.

2. The petitioner wants the investigation pursuant to the FIR No.728 of 2014 dated 12.09.2014 registered under Sections 363/302/201 read with Section 34 of IPC with the Bawana, Police Station to be transferred to the CBI for the purposes of fair investigation.
3. The investigation was earlier transferred to the Crime Branch and the charge sheet has already been submitted. The High Court has dismissed the writ petition filed by the petitioner with the observation that during investigation, NARCO analysis, brain mapping as well as the polygraphic tests were conducted on all the suspects alleged to have committed the offence. The charge sheet has already been filed against two persons-Sunil Kumar and Ranjeet.
4. The thrust of the argument of the learned Senior counsel appearing for the petitioner apart from other things appears to be that the accused named in the charge sheet have not been arrested.
5. We can understand the plight and agony of the petitioner due to the death of his minor son aged about 12 years, but after going through the material available on record and the report submitted by the Additional C.P. Crime, we are of the view that merely for the reason that the suspects have not been arrested or that certain aspects have been left out from the investigation, it cannot be said that it was not a fair investigation.
6. Accordingly, we do not deem it necessary to exercise our discretion under Article 136 of the Constitution of India in this matter. The present petition is, accordingly, dismissed. Pending application(s), if any, shall stand disposed of.
7. The petitioner is at liberty to take recourse to other remedies that may be open to him in law.

(Divya Babbar)
Court Master (NSH)

(Geeta Ahuja)
Assistant Registrar-cum-PS