

Court No. - 9

Case :- CRIMINAL MISC. WRIT PETITION No. - 4797 of 2023

Petitioner :- Pawan Kumar Singh

Respondent :- State Of U.P. Thru. Prin. Secy. Deptt. Of Home, U.P.
Lucknow And 2 Others

Counsel for Petitioner :- Aishwarya Pratap Singh

Counsel for Respondent :- G.A.

Hon'ble Dinesh Kumar Singh,J.

Hon'ble Syed Qamar Hasan Rizvi,J.

1. Heard learned counsel for the petitioner as well as learned AGA and perused the record.
2. The present petition under Article 226 of the Constitution of India has been filed seeking a Writ in the nature of Mandamus commanding the opposite parties to transfer the investigation of Case Crime No.574 of 2016, under Sections 302, 201 and 120-B IPC, Police Station Madiyaon, District Lucknow from local police station to Central Bureau of Investigation or any other independent agency, which is not under the influence of the Uttar Pradesh State Government.
3. Brother of the petitioner was found dead, for which FIR at Case Crime No.574 of 2016 came to be registered on 2.7.2016 under Sections 302, 201 and 120-B IPC, Police Station Madiyaon, District Lucknow. The police after conducting the investigation, filed closure report. However, learned Chief Judicial Magistrate did not agree with the closure report and directed for further investigation. Even in the further investigation, again closure report has been filed. However, the second closure report has also not been accepted by the learned Chief Judicial Magistrate and he has directed for further investigation.

4. Learned counsel for the petitioner apprehends that further investigation again will not be carried out fairly, properly and impartially.

5. Considering the aforesaid submission, we direct the Commissioner of Police, Lucknow Commissionerate, Lucknow to hand over the further investigation of the case to concerned Assistant Commissioner of Police, who shall conduct the investigation in a fair, impartial and proper manner and, thereafter, submit his report before the learned Magistrate concerned expeditiously.

6. Subject to above observation and direction, the present petition stands ***disposed of***.

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(Syed Qamar Hasan Rizvi, J.) (Dinesh Kumar Singh, J.)

Order Date :- 22.6.2023

Rao/-