



SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<u>WPCRL/1697/2020</u> Narendra Rawat Petitioner Versus State Of Uttarakhan Respondent <u>Hon'ble Alok Mahra, J.</u> Mr. Kunwar Nirpendra Singh Rautela, learned counsel for the petitioner. 2. Mr. Dinesh Chauhan, learned A.G.A. along with Mr. Pramod Tiwari, learned Brief Holder for the State. 3. Mr. Piyush Garg, learned special counsel for CBI. 4. By means of the present criminal writ petition under Article 226 of the Constitution of India, the petitioner seeks following reliefs: (i) By way of issuing a writ of mandamus or any other writ, order or direction for the respondent no.2 to investigate the homicide of the petitioner's brother committed by officials of electricity-department at about 8.30 a.m. on 25.09.2020 in Haldwani (relatable to F.I.R. No.196 under Section 304-A of I.P.C. P.S. Kathgodam, District Nainital). (ii) By way of issuing a writ of mandamus or any other writ, order or direction for constituting a special investigation team \\comprising of senior police officers with impeccable career records of professionalism, integrity and independence, reporting directly to this Hon'ble Court, for conducting a fair and independent



			investigation and inquiry into the offence stated in the 196 under Section 304-A of I.P.C. P.S. Kathgodam, District Nainital. (iii) By way of issuing a writ of mandamus or any other writ, or order or direction for a court-monitored-investigation in relation to the homicide of the petitioner's brother namely-late Kamal Rawat S/o Madan Rawat R/o Ward No.35, Damuvadhunda, Police Station-Kathgodam, District Nainital. 5. Learned counsel for the petitioner would submit that on 25.09.2020, immediately after the incident, the petitioner submitted a written complaint before the police authorities alleging that at about 8:30 A.M., his brother, while travelling on a bicycle, came into contact with a live electric wire lying on the public road and died due to electrocution; that, the live wire had fallen on the road because of the negligence of the officials of the Electricity Department, who had prior knowledge of the dangerous condition but failed to rectify the same. It is further submitted that despite disclosure of a cognizable offence, respondent no.4 failed and refused to register the petitioner's complaint on the date of the incident; that, consequently, the petitioner forwarded copies of the complaint to various constitutional and administrative authorities, including the Hon'ble President of India, the Hon'ble Prime Minister of India, the District Magistrate, Nainital, and the Senior Superintendent of Police, Nainital, seeking appropriate
--	--	--	---



		action. 6. Learned counsel would further submit that even on 26.09.2020, respondent no.4 deliberately failed to register the First Information Report; that, F.I.R. came to be registered only after the local administration apprehended public resentment and unrest arising out of the inaction of the police; that, respondent no.4, in connivance with the officials of the Electricity Department, deliberately diluted the seriousness of the offence from the very inception so as to shield the real culprits; that, that during the intervening period, officials of the Electricity Department repeatedly approached the family members of the deceased to persuade them to settle the matter. 7. Learned counsel would further submits that on 28.09.2020, the office of the Superintending Engineer, Electricity Distribution Circle, Haldwani, issued a communication sanctioning an ex gratia amount of ₹4,00,000/- in favour of the legal heirs of the deceased; however, according to the petitioner, no such amount has actually been disbursed to the widow of the deceased. It is also submitted that on 30.09.2020, the Managing Director of Uttarakhand Power Corporation Limited, Dehradun, suspended certain departmental officials, which, according to the petitioner, constitutes an admission of negligence on the part of the Electricity Department. 8. Learned counsel for the petitioner
--	--	--



		would further submit that Haldwani houses several senior offices of the Electricity Department equipped with advanced monitoring and control systems capable of detecting even minor fluctuations or sagging in high-voltage transmission lines. It is contended that whenever an 11 KV transmission line comes into contact with the ground, the protection system is designed to automatically trip the feeder and disconnect the electricity supply; that, despite the live wire having fallen on the road, the electricity supply was either not automatically disconnected or was restored without ensuring public safety, resulting in the electrocution and death of the petitioner's brother. It is, therefore, argued that the circumstances prima facie disclose gross negligence and culpability on the part of the officials concerned; that, the conduct of respondent no.4 from the very inception of the case demonstrates a lack of fairness and impartiality, thereby giving rise to a reasonable apprehension that the investigation has not been conducted in a fair, effective and unbiased manner. 7. Per contra, learned State Counsel would submit that if the petitioner's grievance was regarding the initial refusal of the police to register the F.I.R., the statutory remedy available at the relevant point of time was to approach the jurisdictional Magistrate under Section 156(3) of the Cr.P.C.. He would further
--	--	---



		submit that an F.I.R. was subsequently registered in relation to the death of the deceased due to electrocution under Section 304-A of the Indian Penal Code and, after completion of investigation, a charge-sheet has already been submitted before the competent Court on 07.05.2024. It is, therefore, submitted that the investigation has culminated in a police report under Section 173 Cr.P.C., and no case is made out for transfer of investigation either to a Special Investigation Team or to any other agency. 8. Learned counsel appearing for the Central Bureau of Investigation would submit that no direction for investigation by the C.B.I. can be issued in the facts of the present case in the absence of any exceptional circumstances warranting transfer of investigation. It is submitted that the investigation has already been concluded and the competent police authorities have filed the charge-sheet before the jurisdictional Court. It is further contended that mere dissatisfaction of the petitioner with the manner of investigation cannot, by itself, constitute a ground for directing investigation by the C.B.I. or for constituting a Special Investigation Team. 9. Having heard learned counsel for the parties and upon perusal of the material available on record, this Court finds that the principal grievance of the petitioner relates to the manner of investigation and the alleged delay in registration of the
--	--	---



			F.I.R. However, it is undisputed that the F.I.R. has already been registered, the investigation stands concluded, and, as per the instructions received from the State, a charge-sheet has been submitted before the competent Court on 07.05.2024. Once the investigation has culminated in the filing of the police report under Section 173 Cr.P.C., the petitioner has an efficacious statutory remedy before the jurisdictional Court, including seeking further investigation or such other relief as may be available in accordance with law. In the absence of any exceptional circumstance indicating manifest illegality, mala fides, or failure of justice, this Court is not inclined to exercise its extraordinary jurisdiction under Article 226 of the Constitution for directing transfer or reinvestigation after submission of the charge-sheet. 10. In the facts of the present case, this Court does not find any such exceptional circumstance warranting exercise of its extraordinary writ jurisdiction for directing investigation by the C.B.I., constituting a Special Investigation Team. 11. Accordingly, the criminal writ petition, being devoid of merit, is dismissed. 12. No order as to costs. MA MTA RANI Digitally signed by MAMTA RANI DN: c=IN, o=HIGH COURT OF UTTARAKHAND, ou=HIGH COURT OF UTTARAKHAND, 2.5.4.20=6a812005bebfcf46f244f3e584af1449e430ef900bf09a6d67ebbd642671329b, postalCode=263001, st=Uttarakhand, serialNumber=5de1751a4f1d9cabfd54852c9e68911ca8b66dd26690a191648ab5d8dd004ef0, cn=MAMTA RANI Date: 2026.07.31 18:02:26 +05'30' (Alok Mahra, J.) 30-07-2026
--	--	--	---

Mamta