

HIGH COURT OF CHHATTISGARH, BILASPUR

WPCR No. 137 of 2014

Shankar Lal Yadav S/o Shri Kanwal Prasad Yadav Aged About 72 years Kirana Shop
Owner R/o Village Telai P.S. Janjgir Tahsil Akaltara Distt. Janjgir Champa C.G.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Principal Secretary Department Of Home, Mahanadi Bhawan, Mantralaya, New Raipur, Distt. Raipur C.G.
2. Principal Secretary, Department Of Health & Family Welfare Distt. Raipur C.G.
3. The Inspector General Of Police, Bilaspur Division, Distt. Bilaspur C.G.
4. Superintendent Of Police, Korba , Civil & Revenue Distt. Korba C.G.
5. CSP Korba , Civil & Revenue Distt. Korba C.G.
6. Town Inspector , Urga P.S. House Urga Distt. Korba C.G.
7. Medical Officer Primary Health Centre Korba, Block & Distt. Korba C.G.

---- Respondents

Shri V.R.Tiwari and Shri Varunendra Mishra, counsel for the petitioner/s.
Shri Satish Gupta, Govt. Adv. for the State.

Order

31/07/2015

This petition, under Article 226 of the Constitution of India, has been preferred by the father of the deceased – Ratan praying for direction to the respondent / authorities to make proper investigation into the cause of death of petitioner's son and take appropriate action against the culprits.

2. Learned counsel for the petitioner submits that the dead body of petitioner's son was found near railway track in suspicious circumstances which prima facie shows that it was not an accident but his son was murdered due to enmity.

Learned counsel submits that relations between his son late Ratan and his wife Smt. Sunita were strained due to pre-marital and post-marital relations of Sunita with another person. It is further submitted that few days before the incident, Ratan sold his agricultural land to one Dev Charan Kaushik for a consideration of Rs.16,00,000/- and an amount of Rs.8,50,000/- was deposited in a private banking company i.e. Sai Prasad

Corporation Limited in the name of his wife Smt. Sunita. It is alleged that as per information available with the petitioner, his son was called near railway bridge, Uрга and was taken there by Sadhram and near railway bridge, he was assaulted by Sadhram, Raj Kumar, Laxminarayan, Ganesh Ram, Manilal and son of one scheduled caste teacher of village - Jorhadabri and then thrown on the railway track. It is submitted that this was a case of murder due to illicit relation of Smt. Sunita and for greed of money. It is submitted that despite this information given by the petitioner to the police, instead of conducting impartial investigation, the police has adopted a very callous approach and no proper enquiry was made in the matter to bring out the truth. Therefore, this petition has been filed.

3. Learned counsel for the State referring to the return submits that soon after information of death, merg was registered, dead body was sent for post mortem. It is further submitted that in view of the allegations as stated by the father of the deceased, the police did make serious enquiry in the matter but till now, no specific material of incriminating nature has been collected to prima facie show that it is a case of murder and not an accident on railway track. It is submitted that merg enquiry was made on the basis of material available from the spot and statement of number of persons have been recorded. According to him, Ganesh Ram Yadav, the eye witness of the incident, has stated that Ratan Yadav was rendered jobless and unemployed and he committed suicide.

4. After going through the material on record, it is found that till date, no clinching evidence of incriminating nature has come to the light to indicate that Ratan was murdered. The report dated 09/06/14 (Annexure R/5) shows that the matter was enquired into and it was found that the deceased was jobless and undergoing depression. The statement of eye witness was also recorded that Ratan committed suicide.

5. Considering the aforesaid submission and material on record, I do not find any material, at present, to direct registration of case for commission of offence of murder of Ratan Kumar against any particular person.

6. Before parting with the case, this Court notices the casual manner in which the Medical Officer of Primary Health Centre, Korba has prepared the post mortem report. All that has been recorded therein is that it is a case of death due to train accident. The report not even states the condition of the dead body. While undertaking examination of dead body, the doctor, who has examined the dead body, is expected to prepare a detailed and proper report. However, only on that ground, I am not inclined to issue any

direction.

6. At this stage, therefore, the petition is disposed off. If in future, any incriminating material surfaces, the petitioner would be at liberty to seek indulgence of the police authorities for proper enquiry in the matter.

Sd/-

Manindra Mohan Shrivastava
Judge

Deepti