

HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE

AND

HON'BLE SRI JUSTICE S.V. BHATT

PIL No. 295 OF 2014

08-06-2015

Between:

Gulam Rabbani

... Petitioner

And

State of Telangana, rep., by its Principal Secretary,

Home Department, Secretariat, Hyderabad and four others

... Respondents

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HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE

AND

HON'BLE SRI JUSTICE S.V. BHATT

-

PIL No. 295 OF 2014

PC: (per the Hon'ble the Acting Chief Justice Dilip B. Bhosale)

Heard the petitioner-in-person, who is an advocate. In the PIL, he seeks the following relief:

“For the reasons stated in the accompanying affidavit, it is prayed that this Hon'ble Court may be pleaded to issue an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus, directing the respondent No.1 herein to give necessary instructions, directing the Respondent Nos.2 to 4 herein to arrest the responsible Army personnel and to ensure that easy access in the military campus area without any army intervention and for entrustment of the investigation into Cr.No. 386/2014 to the Central Bureau of Investigation for fair and impartial investigation pursuant to the representation dt. 17-11-2014, and to grant such other relief or reliefs as this Hon'ble Court deems fit and proper in the circumstances of the case.”

A tragic incident of the death of 11 years old boy (Shaik Mustafauddin) due to burn injuries occurred on 08-10-2014 at 2.30 PM. The father of the boy took him to Olive Hospital and then he was shifted to OGH. Thereafter, he was shifted to Apollo Hospital, Hyderabad and on the morning of 09-10-2014 he succumbed to the injuries. The dying declaration of the boy was recorded in which he disclosed that two military personnel set him ablaze. Similar is the statement made by the father of the boy.

We have perused the statements of some of the witnesses recorded in the course of investigation and also the medical papers. We would not like to express any opinion on the merits of the case. The petitioner also does not press the prayer in the petition to entrust the investigation to Central Bureau of Investigation and he fairly states that he is not doubting the investigation being done by the Special Investigation Team (SIT).

From perusal of the record, we find that the SIT is doing all efforts to unearth the truth. When we so expressed, the petitioner-in-person did not press the petition and left it to the Court to pass appropriate order.

Hence, we dispose of the PIL with direction to the Investigating Officer/SIT to

allow the petitioner or family members of the boy to give clues, if any, for further investigation and if any such clues are given, we hope and trust that the Investigating Officer shall take the same into consideration for carrying out further investigation.

Miscellaneous petitions, if any, also stand disposed of.

DILIP B. BHOSALE, ACJ

S.V. BHATT, J

08-06-2015

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