

NAFR

**HIGH COURT OF CHHATTISGARH AT BILASPUR**

**WRIT PETITION (C) NO. 1775 OF 2007**

- Smt. Jaswanti Das, W/o R.S. Das, aged about 49 years, R/o House No.12-B, South Avenue, Nandini Nagar, District Durg (C.G.)

**... Petitioner**

**Versus**

1. State of Chhattisgarh, through the Secretary, Home Department, D.K.S. Bhawan, Raipur (C.G.)
2. The Director General of Police, State of Chhattisgarh, Raipur (C.G.)
3. The Inspector General of Police, Bastar Range, Jagdalpur, District Bastar (C.G.)
4. The Superintendent of Police, Jagdalpur, District Bastar (C.G.)
5. The Station House Officer, P.S. Kotwali, Jagdalpur, District Bastar (C.G.)
6. The Director, Police Training School, Jagdalpur, District Bastar (C.G.)

**... Respondents**

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| For Petitioner  | : | Mr. Amrito Das, Advocate.            |
| For Respondents | : | Mr. S.P. Kale, Dy. Advocate General. |

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**Hon'ble Shri Justice P. Sam Koshy**

**Order on Board**

**02/11/2016**

1. The present petition under Article 226 of the Constitution of India has been preferred by the Petitioner seeking for the following reliefs :

“(i) That, the respondents be directed to produce the entire records pertaining to the present case before this Court.

(ii) That, this Court may be pleased to direct that the investigation be done by an independent investigating agency preferably the Central Bureau of Investigation or by a Judicial Magistrate.

(iii) That, this Court may be pleased to direct the respondents that all the claims of the deceased Sumit Das be settled as soon as possible.

(iv) That, this Court may be pleased to award exemplary compensation to the petitioner for the unfortunate death of her young son in an extremely suspicious circumstances and the lackluster attitude of the police authorities.

(v) Any other relief(s) may also be given to the petitioner, which this Court may deem fit and proper in the facts and circumstances of the case.”

**2.** Facts of the case in nutshell are that the son of the Petitioner, namely Sumit Das was selected in the police services in the State of Chhattisgarh and was appointed as Constable. In September, 2006 he was sent for training at Police Training School, Jagdalpur. It is said that during the course of training from 4<sup>th</sup> December, 2006 onwards Sumit Das was missing and had not attended the training any further as is reflected from the Rojnamcha Sanha. Subsequently, after about 13 days time on 17.12.2006 the dead body of Sumit Das was found lying at Pankaj Palace Hotel at Jagdalpur at 7 am in the morning. The police authorities were intimated by the Hotel staff, who had immediately come and had sent the body of Sumit Das for post-mortem. Preliminary investigation suggested the death of Sumit Das to be a suicide wherein he is said to have committed suicide by jumping from the four storied roof of the said Pankaj Palace Hotel. The post-mortem was conducted on the same day and thereafter the final rites were also performed and the body of the deceased Sumit Das was cremated.

**3.** The post-mortem was conducted by Dr. K.N. Gupta and Dr. K.K. Nag. Both of whom after performing the post-mortem gave an opinion that the death was due to extensive right subdural haematoma as a result of acute head injuries. They have further opined that the duration of the death was within 6 to 24 hours prior to the conducting of the post-mortem. After the investigation, the office of Superintendent of Police, Bastar, Jagdalpur vide Annexure P-1, dated 22.12.2006, held that on the basis of the Post-mortem Report the cause of death was head injuries sustained because of the fall from the roof of the hotel. Meanwhile, the materials collected during the course of investigation was sent for an expert opinion to the office of the Director of Medico Legal Institute, Government of Madhya Pradesh, Bhopal. The said institute vide its report dated 11.5.2007 (Annexure R-8)

also gave an opinion that the whole circumstantial evidence leads to the probability of the deceased having committed suicide as the death was a result of fall from height.

4. Taking into consideration the aforesaid facts and circumstances of the case what cannot be brushed aside is the fact that today it is almost 10 years now from the date on which the dead body of the deceased Constable Sumit Das was found. The Petitioner through the present petition has not been able to provide cogent and substantial material by which it could be said that the cause of death of the deceased was other than suicide as opined by the police authorities as also the medical experts. By efflux of time it would also be hard to now gather materials at this late stage of almost 10 years time with which we could reach to a different conclusion. True it is that the police authorities while finding the dead body of the deceased Constable Sumit Das ought to have been more careful in firstly while removing the body from the spot they could have taken photographs, taken videographs and could have also explored other angles before closing the case giving it a picture to be that of suicide.

5. But, as has been stated in the earlier paragraph, by efflux of time and for want of sufficient materials along with the petition it would not be of any fruitful purpose in allowing the petition and grant of relief(s) as has been sought by the Petitioner. In the absence of a contrary view to be taken other than what has been taken by the police authorities as well as by the medical experts, it would also be difficult for this Court to award compensation to the Petitioner for the untimely death of her son under suspicious circumstances. Thus, in the opinion of this Court no strong case has been made out by the Petitioner calling for grant of the relief of independent investigation or for grant of compensation to the Petitioner.

6. The petition is accordingly dismissed. No order as costs.

Sd/-  
**(P. Sam Koshy)**  
Judge

/sharad/