

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPCR No. 225 of 2014

- Dharam Das Jogi S/o Budhram Jogi Aged About 40 Years R/o Village Diggi, P.S. Bhatapara, Distt Balodabazar-Bhatapara, Cg

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Home Department, Mahanadi Bhawan, Mantralaya, Raipur, Cg
2. Director General Of Police, Head Quarter, Raipur, Dist Raipur, Cg
3. Inspector General Of Police Raipur Range, Raipur, Distt Raipur, Cg
4. Superintendent Of Police Distt Baloda Bazar- Bhatapara, Cg
5. Station House Officer Ps Bhatapara (Rural), Distt Baloda Bazar- Bhatapara, Cg

---- Respondents

For Petitioner	Shri Raghvendra Pradhan, Advocate
For Respondent/State	Shri R. K. Gupta, Dy. AG

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board By

19/01/2016

1. This writ petition has been preferred seeking a direction to the respondents to properly investigate the death of the petitioner's son, who died during intervening night of 23rd and 24th June, 2014. Shri Pradhan, learned counsel for the petitioner, would refer to the photograph (Annexure-P-1) showing the scene of occurrence, wherein the dead body is lying in such a condition that commission of suicide in such a manner is not at all possible. He would submit that even in the postmortem report, death by strangulation was not ruled out.

2. Learned State counsel would submit that there is no evidence of causing death of the petitioner's son by any individual and the FSL report is also negative. However, he would not dispute the findings of the postmortem report that death by strangulation is not ruled out.
3. In the circumstances, it appears, the causing of death of petitioner's son should be investigated by constituting a Special Investigating Team (SIT) of atleast 3 investigating officers headed by a police officer of the rank of Deputy Superintendent of Police.
4. Let a Special Team be constituted by the concerned Superintendent of Police within a period of one month from today to enquire about the death of the petitioner's son. Based on the findings of the fresh merged investigation, the prosecution shall proceed further either to submit the charge sheet before the Jurisdictional Criminal Court, in accordance with law or to close the case, if no offence is disclosed.
5. Accordingly, the writ petition stands disposed of with the above direction.

Sd/-

JUDGE

PRASHANT KUMAR MISHRA