

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl.) No(s). 8399/2011

(Arising out of impugned final judgment and order dated 17/08/2011 in CRLWP No. 352/2009 passed by the High Court of Bombay at Nagpur)

SHAILESH & ANR

Petitioner(s)

VERSUS

STATE OF MAHARASHTRA & ORS.

Respondent(s)

(With Office Report)
(For Final Disposal)

Date : 01/08/2014 This petition was called on for hearing today.

CORAM : HON'BLE MRS. JUSTICE RANJANA PRAKASH DESAI
HON'BLE MR. JUSTICE N.V. RAMANA

For Petitioner(s) Mr. Manish Pitale, Adv.
Mr. Wasi Haider, Adv.
Mr. Chander Shekhar Ashri ,Adv.

For Respondent(s) Mr. Shekhar Naphade, Sr. Adv.
Mr. Sanjay Kharde, Adv.
Mr. Aniruddha P. Mayee ,Adv.
Mr. Tushar Mehta, ASG
Ms. Ranjana Naryan, Adv.
Mr. Ashok Dhamija, Adv.
Mr. B.V. Balram Das, Adv.
Mr. Arvind Kumar Sharma ,Adv.

UPON hearing the counsel the Court made the following
O R D E R

A criminal writ petition came to be filed in Bombay High Court by one Shailesh, who is stated to be a social activist and one Madhukar Mohite, father of Ajay Mohite. Grievance made in the petition was that the second petitioner's son Ajay and one Suresh
Signature Not Verified
died while in police custody in suspicious circumstances and Digitally signed by

action was not taken against those officers who are responsible Gulshan Kumar Arora
Date: 2014.08.05
17:20:51 IST
for their custodial deaths. It is the case of the petitioners as Reason:

stated in the petition that they submitted a complaint before the State Human Rights Commission. It appears that the Deputy Superintendent of Police (CID) submitted summary reports stating

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that Ajay and Suresh had committed suicide. On 13.03.2008, the Sub-Divisional Magistrate, Yavatmal accepted the summary reports. The petitioners questioned the said summary reports and their acceptance and prayed inter alia for CBI investigation and for quashing of the order dated 13.03.2008 passed by the Sub-Divisional Magistrate accepting the summary reports. While disposing of the said petition, the High Court by the impugned

order, gave the following directions :

"9. We, accordingly, allow this petition to the limited extent and quash and set aside the acceptance order of the Sub Divisional Magistrate accepting the summary and remit the matter back to the Sub Divisional Magistrate for a decision afresh in accordance with law. Since there were two summaries in respect of dath of deceased Ajay and Suresh and though there is no challenge to the acceptance of summary on behalf of Suresh, we quash and set aside the order by which the Sub Divisional Magistrate accepted the summary and also direct the Sub Divisional magistrate to issue notice to Anita wife of deceased Suresh and after hearing the parties decide the summary in accordance with law. The entire exercise to be carried out by the Sub-Divisional Magistrate as expeditiously as possible and in no case later than three months from today."

Counsel for the petitioners submitted that sending the matter back to the Sub-Divisional Magistrate is a futile exercise. He submitted that some higher officer should be directed to look into the petitioners' grievance. Finding substance in this submission, on 10.12.2013, we passed the following order :

"We have herd learned counsel for the parties for some time. We request Mr. Naphade, learned senior counsel appearing for the State of Maharashtra to identify a senior officer above the rank of Superintendent of Police who could be entrusted with the task of looking into the grievance made by the petitioners and conduct an inquiry about the alleged custodial death of Ajay and Suresh."

Today, learned counsel appearing for the State of Maharashtra informed us that Shri Rajendra Singh, IPS, who is presently holding the post of the Commissioner of Police, Aurangabad would be the appropriate person, being a senior officer, to conduct an inquiry. Hence, we direct Mr. Rajendra Singh, IPS, the Commissioner of

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Police, Aurangabad to conduct an inquiry about the alleged custodial deaths if Ajay and Suresh and submit a report before this Court within three months from today.

List the matter after three months.

(Gulshan Kumar Arora)
Court Master

(Indu Pokhriyal)
Court Master