

ITEM NO.35

COURT NO.9

SECTION II-B

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

SPECIAL LEAVE PETITION (CRIMINAL) Diary No(s). 34167/2017

(Arising out of impugned final judgment and order dated 06-07-2017 in WP No. 13147/2016 passed by the High Court At Calcutta)

NASIMA KHATUN

Petitioner(s)

VERSUS

THE STATE OF WEST BENGAL & ORS.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.114446/2017-CONDONATION OF DELAY IN FILING and IA No.114447/2017-EXEMPTION FROM FILING O.T.)

Date : 17-11-2017 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE N.V. RAMANA
HON'BLE MR. JUSTICE AMITAVA ROY

For Petitioner(s) Mr. Hiren Dasan, AOR
Ms. Shanta Pandey, Adv.
Mr. Chand Qureshi, Adv.

For Respondent(s)

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

Delay condoned.

Learned counsel appearing for the petitioner initially challenged the impugned order passed by the Calcutta High Court, whereby the High Court refused the request for exhuming the body of the victim.

However, in the course of argument before us, counsel for the petitioner confined her submission by requesting that the case be entrusted to the State-CID for thorough investigation. It is to be noted that there is no material placed before the High Court or this Court concerning any such request being made before the concerned authority.

Under these circumstances, we direct the petitioner to make a representation before the State Government for seeking such a relief. In case, if such a representation is made, the State will be at liberty to consider the representation in accordance with law.

Any observations made by the High Court including the observation concerning the cause of the death, should not be taken into consideration by the concerned authority during the above mentioned decision-making process. Further the trial Court is at liberty to consider the matter afresh in accordance with law on the basis of the material produced before it uninfluenced by any observations made in the impugned order.

The Special Leave Petition is disposed of accordingly.

(R. NATARAJAN)
COURT MASTER (SH)

(RENUKA SADANA)
ASST. REGISTRAR