

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.4744/2024

(@Petition for Special Leave to Appeal (Crl.) No.15481/2024)

THE STATE OF WEST BENGAL & ORS.

Appellant(s)

VERSUS

REBEKA KHATUN MOLLA @ REBEKA MOLLA & ORS.

Respondent(s)

O R D E R

1. Leave granted.

2. The State of West Bengal and its authorities are before us challenging the order dated 06.11.2024 passed by a Division Bench of the High Court at Calcutta whereby the investigation of FIR No.244/2024 under Sections 55, 79, 351 (3), and 352, 67 of the Bharatiya Nyaya Sanhita, Section 67 of the Information Technology Act, 2000 and Sections 12 & 17 of the Protection of Children from Sexual Offences Act, 2012 registered at Falta Police Station, Diamond Harbour, South 24 Parganas, has been entrusted to the Central Bureau of Investigation (CBI).

3. We have heard learned Senior counsel for both sides and perused the record.

4. The High Court has enlisted some irregularities and alleged inconsistency in the medical reports, on the basis of which, doubt was cast on the fairness and independence of the ongoing investigation.

5. It is not necessary for us to harp on these reasons, except to say that the entrustment of investigation of matters routinely to

the CBI not only leads to an unmanageable burden on the premier investigative agency of the country, but also has a very serious and far-reaching, demoralizing impact on the officers of the State police. It may not be prudent to proceed on the premise that Senior Officers, belonging to IPS and allocated to the West Bengal cadre, are incompetent or inefficient to hold a fair, independent and dispassionate investigation to find out the truth.

6. It is against this backdrop that we directed the State of West Bengal to furnish a list of some senior IPS officers of the West Bengal cadre, who otherwise do not belong to the State of West Bengal. In deference thereto, the State has furnished the list of 7 officers.

7. We find that the senior-most officer among them is holding a State-level responsibility and it may not be advisable to spare him for the subject investigation. Consequently, we deem it appropriate to constitute a Special Investigation Team (SIT) comprising the following:-

- (i) Mr.Akash Magharia, IPS, DIG, Presidency Range
- (ii) Ms.Swati Bhangalia, IPS, SP, Howrah (Rural)
- (iii) Smt.Sujata Kumari Veenapani, IPS, DC, Traffic, Howrah PC

8. The above-stated SIT shall take over the investigation of FIR No.244/2024 forthwith.

9. All the records of the investigation shall be entrusted to the SIT during the course of the day.

10. The SIT will resume the investigation without any delay. The SIT shall be at liberty to associate other police officers, if required for its assistance.

11. The SIT shall furnish weekly status reports before the High Court at Calcutta.

12. We request the Hon'ble Chief Justice of the High Court to constitute a Bench before whom the SIT shall submit its reports and seek further directions, as may be required, to take the ongoing investigation to its logical conclusion.

13. The impugned Judgment of the High Court is, accordingly, modified/set aside.

14. It is clarified that the observations made by the High Court in the judgment shall not be construed as an expression on the merits of the allegations contained in the FIR, and the SIT shall investigate the same free from these observations.

15. The alleged victims may approach the SIT to ensure that no harm is caused to their life and liberty. The SIT will take the necessary steps in this regard without any delay.

16. The appeal stands disposed of in the afore-stated terms.

17. Pending applications, if any, also stand disposed of.

.....J
(SURYA KANT)

.....J
(UJJAL BHUYAN)

NEW DELHI
25TH NOVEMBER, 2024.

ITEM NO.26

COURT NO.3

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

Petition for Special Leave to Appeal (Crl.) No.15481/2024

[Arising out of impugned final judgment and order dated 06-11-2024 in MAT No. 2026/2024 passed by the High Court at Calcutta]

THE STATE OF WEST BENGAL & ORS.

Petitioner(s)

VERSUS

REBEKA KHATUN MOLLA @ REBEKA MOLLA & ORS.

Respondent(s)

(IA No.256780/2024-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.256779/2024-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 25-11-2024 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SURYA KANT

HON'BLE MR. JUSTICE UJJAL BHUYAN

For Petitioner(s)

Mr. Kapil Sibal, Sr. Adv.
Mr. Gopal Sankaranarayanan, Sr. Adv.
Mr. Sanjay Basu, Adv.
Ms. Astha Sharma, AOR
Mr. Somen Mohanty, Adv.
Ms. Aprajita Jamwal, Adv.
Mr. Shreyas Awasthi, Adv.
Ms. Aditi Gupta, Adv.
Mr. Tushar Shrivastava, Adv.
Ms. Ripul Swati Kumari, Adv.

For Respondent(s)

Mr. Ranjit Kumar, Sr. Adv.
Mr. Narender Hooda, Sr. Adv.
Mr. Jai Anant Dehadrai, Adv.
Mr. Siddhartha Sinha, AOR
Mr. Rahul G Tanwani, Adv.
Mr. Abhijeet, Adv.
Mr. Arijit Bakshi, Adv.
Mr. Siddharth Sharma, Adv.
Mr. Md. Tasnimul Hassan, Adv.

Mr. Rajkumar Bhaskar Thakare, ASG
Mr. Prasanjeet Mahapatra, Adv.
Mr. B.K. Satija, Adv.
Ms. Sansriti Pathak, Adv.
Mr. Digvijay Dam, Adv.

Mr. Mukesh Kumar Maroria, AOR

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

1. Leave granted.
2. The appeal stands disposed of, in terms of the signed order.
3. Pending applications, if any, also stand disposed of.

(VISHAL ANAND)
ASTT. REGISTRAR-cum-PS

(SAROJ KUMARI GAUR)
ASSISTANT REGISTRAR
(Signed Order is placed on the file)