

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P.(PIL) No. 3841 of 2012

Saiyad Barkat Ullah Petitioner
Vs.
The State of Jharkhand & Ors. Respondents

**CORAM: HON'BLE THE CHIEF JUSTICE
HON'BLE MRS. JUSTICE JAYA ROY**

For the Petitioner: Mr. Binod Singh
For the Respondent: J.C to A.G

Order No. 06 ----- **Dated 31st July, 2013**

Learned counsel for the State has submitted report in sealed cover relating to the investigation made by the Crime Investigation Department of State of Jharkhand pertaining to Kuru P.S. Case No. 41 and 44 of 2012 both dated 18th May, 2012.

The petitioner's allegation is that the victim Ser Mohammad @ Sheru Ansari was killed when he was in police custody on 18th May, 2012. However, as per the First Information Report of Kuru P.S. Case No. 41 of 2012, the Officer-in-Charge of the concerned police station himself recorded statement that hundreds of unknown persons assaulted the deceased while he was trying to flee away from the police. Whereas father of the deceased lodged F.I.R. No. 44 of 2012 alleging that his son was killed when he was in police custody.

We are concerned with the date of incidence which is 18th May, 2012. For incidence of 18th May, 2012, it appears from this report produced today by the learned counsel for the State that C.I.D did not investigate the

matter for long time which was handed over to State C.I.D on 8th July, 2012 by order of the D.I.G., Jharkhand, Ranchi in exercise of power conferred under Rule 410 (II) (aha) (I) read with Rule 425 of the Jharkhand Police Manual.

It appears from the progress report that according to State C.I.D it tried to record statement of the family members of the victim and for that purpose they gave notices but they did not co-operate. A magisterial enquiry was also conducted and magisterial enquiry report was also sent to the C.I.D wing of the State. Ultimately after filing this writ petition on 10th July, 2012 and direction to the State C.I.D on 5th February, 2013 to submit report in sealed cover on 24th July, 2013, the statement of witness namely Syed Baraktullah was recorded. This aspect of the C.I.D, that in such a serious matter of allegation of custodial death in Kuru P.S. Case No. 41 and 44 of 2012 given on the same day of the incidence dated 18th May, 2012, no progress was made. This Court keeps its order for passing in future date with respect to the conduct of the investigating officers of the State C.I.D who could not investigate the matter, which was referred to the State C.I.D on 8th July, 2012 and virtually there is no investigation in one year.

We may also mention here that it has been disclosed in this report submitted today that there is a reasonable reason for petitioner to apprehend that the

victim was killed when he was in police custody subject to final conclusion in investigation as we have taken note from the fact mentioned in this status report and there is reference of judicial magistrate enquiry.

The state C.I.D may proceed to investigate expeditiously and the investigating officer shall remain present in Court with latest status report on 20th August, 2013. The report given by the learned counsel State is handed over to the learned counsel for the State to keep it safe and secret.

Put up this case on 20th August, 2013.

Copy of this order be given to learned counsel for the State as well as learned counsel for the State.

(Prakash Tatia, C J)

(Jaya Roy, J)

Alankar/-