

Court No. - 51

Case :- CRIMINAL MISC. WRIT PETITION No. - 2490 of 2021

Petitioner :- Suresh Devi And Another

Respondent :- State Of U.P. And 13 Others

Counsel for Petitioner :- Jamil Ahamad Azmi, Anand Swaroop Gautam, Ashutosh Kumar Tiwari, Dharmendra Singh

Counsel for Respondent :- G.A.

Hon'ble Ashwani Kumar Mishra, J.

Hon'ble Deepak Verma, J.

This petition has been filed invoking jurisdiction of this Court under Article 226 of the Constitution of India with the allegation that petitioner's son has been murdered in police custody in the night intervening 11/12th December, 2020 while he was in police custody in Case Crime No.1181 of 2020, under Section 366 I.P.C., Police Station Khurja Nagar, District Bulandshahar. A prayer has also been made to protect the life and liberty of the petitioners as their son was subjected to torture and murder as he had contracted inter caste marriage out of his own free will. It is contended that the authorities have been most unfair in dealing with the grievance raised by the petitioners.

Attention of the Court has been invited to the provision contained in Section 176 Cr.P.C., sub Section (1)A whereof contemplates holding of a judicial enquiry where death is caused in the custody of the police. It is also stated that neither any post mortem has been carried out nor the body has been buried and instead the police personnels have cremated the body contrary to all settled norms.

Learned AGA does not dispute the fact that a judicial enquiry was initiated with a request made to District Judge on

06.01.2021 and states that a report is still awaited.

In matters, where the allegation is with regard to custodial death, judicial enquiry under Section 176 (1)A cannot be allowed to drag for so long. These are instances which have to be viewed with greatest sensitivity and concern.

We, therefore, direct the Registry to enquire from the District Judge, Bulandshahar as to when the enquiry report has been submitted in the matter and, in the event, such a report is not submitted, the explanation of the Judicial Officer in that regard shall be placed before us by the next date fixed as a period of more than one year has expired.

We hasten to add that in the event, such enquiry has not been concluded so far, the same shall be concluded most expeditiously by following the procedure in law.

List this matter, once again, on **27.01.2022** at **02:00 PM**.

Order Date :- 7.1.2022

Nitin Verma