IN THE SUPREME COURT OF INDIA
INHERENT JURISDICTION

REVIEW PETITION (CRL.) No. 447 OF 2025

IN

CRIMINAL APPEAL NO. 3976 OF 2025

THE STATE OF MAHARASHTRA & OTHERS ..... Petitioners

Vs.

MOHAMMAD AFZAL MOHAMMAD SHARIF ..... Respondent

O R D E R

1. Criminal M.P. No. 242074 of 2025 seeking an open Court hearing of the review petition is rejected. Further, the dubious and unprecedented practice of making separate mentions for seeking such hearing before both the Judges on the Bench simultaneously, without disclosing the fact that the other was also being approached, requires to be condemned in no uncertain terms.

2. On merits, no ground is made out to review the order dated 11.09.2025 passed by this Court in Criminal Appeal No. 3976 of 2025. The main contention sought to be urged in the review petition is that the direction to constitute a special investigation team, comprising senior police officers of both Hindu and Muslim communities, would impinge upon the principle of institutional secularism and amounts to prejudging communal bias on the part of public servants.

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3. This contention loses sight of the fact that this Court specifically noted that the question that arose in the appeal was as to what extent the police had discharged their task of being vigilant, prompt and objective in enforcing and securing the mandate of the law without bias and subjectivity. The facts set out in the order clearly demonstrate that despite information being given as to the commission of a cognizable offence, neither the officers of the police station concerned nor the Superintendent of Police took necessary action by at least registering an FIR, clearly manifesting total dereliction of duty on their part, be it deliberate or due to sheer carelessness.

4. As the case related to communal riots, involving Hindu and Muslim communities, and the hues of this case *prima facie* hinted at a religious bias, it was necessary to direct constitution of an investigation team comprising senior police officers of both communities so as to maintain transparency and fairness in the investigation. Needless to state, that should be the objective of the police machinery in the State of Maharashtra but, unfortunately, that did not happen in the case on hand. The review petition merely reproduces and seeks to appropriate what was stated by this Court in para 23 of the order, but the same was not borne out by the action of the police officers in this case.

5. In this regard, reference may also be made to the observations of this Court in ***Balram Singh vs. Union of India***[1]. It was noted therein that India has

[1] 2024 SCC OnLine SC 3433

developed its own interpretation of secularism, wherein the State neither supports any religion nor penalizes the profession and practice of any faith. This being the ideal, the State machinery must tailor its actions accordingly but the inescapable fact remains that such State machinery ultimately comprises members of different religions and communities. Therefore, transparency and fairness in their actions must be manifest in matters even remotely touching upon secularism and religious oppression.

6. In such circumstances, constitution of an investigation team comprising members of the communities involved in the communal riot would go a long way in ensuring and safeguarding the transparency and fairness of the investigation to be carried out and there is no impingement of any idealistic principle. Be it noted that secularism needs to be actuated in practice and reality, rather than be left on paper to be enshrined as a constitutional principle.

7. No grounds are, therefore, made out to review the directions of this Court.

The review petition is, accordingly, dismissed.

……..J
[SANJAY KUMAR]

New Delhi;
November 07, 2025.

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REVIEW PETITION (CRL.) NO. 447 OF 2025

IN

CRIMINAL APPEAL NO. 3976 OF 2025

THE STATE OF MAHARASHTRA & ORS. …PETITIONERS

VERSUS

MOHAMMAD AFZAL MOHAMMAD SHARIF ...RESPONDENT

O R D E R

1. Application for an open court hearing of the review petition is allowed.

2. The State of Maharashtra has filed the present Review Petition under Article 137 of the Constitution of India read with Order XLVII Rule 1 of the Supreme Court Rules, seeking review of the judgment dated 11.09.2025 passed in Criminal Appeal No. 3976 of 2025.

3. This Court while allowing the Criminal Appeal has directed the State to constitute a Special Investigation Team comprising several police officers of different communities. In the Review Petition, various grounds have been raised and they certainly require consideration by this Court. In the prayer clause, a limited prayer has been made by the Review Petitioner/ State which reads as under:

A. Because the direction in the impugned judgment requiring that the Special Investigatin Team (SIT) be composed of officers from both Hindu and Muslim communities constitutes an error apparent on the face of the record, warranting review under Article 137 of the Constitution.

B. Because the said direction, though well-intentioned, directly impinges upon the principle of institutional secularism, which has been repeatedly affirmed by this Hon'ble Court as a part of the Basic Structure of the Constitution.

4. In the considered opinion of this Court as review and recall has been sought of the judgment to the limited extent that "it directs or mandates the composition of the Special Investigation Team (SIT) on the basis of religious identity" requires consideration and, therefore, let notice be issued to the respondents, returnable within two weeks.

5. List the matter after two weeks.

……..…….J.
[SATISH CHANDRA SHARMA]

NEW DELHI
November 07, 2025.