

Court No. - 47

Case :- CRIMINAL MISC. WRIT PETITION No. - 12441 of 2021

Petitioner :- Chand Miyan

Respondent :- State Of Up And 5 Others

Counsel for Petitioner :- Ali Qambar Zaidi, Mohammad Danish

Counsel for Respondent :- G.A.

Hon'ble Mahesh Chandra Tripathi, J.

Hon'ble Subhash Vidyarthi, J.

Heard learned counsel for the petitioner.

Present writ petition is preferred seeking following principal reliefs:-

"(i) To issue a writ, order or direction in the nature of mandamus thereby directing the Central Bureau of Investigation (respondent no.6) to take over the investigation in Case Crime No.0631/2021 lodged at P.S. Kasganj, U.P. and to proceed against all the concerned police officers and such other persons found to be involved; or

(ii) to issue a writ, order or direction in the nature of mandamus thereby directing the constitution of a Court Monitored Special Investigation Team (SIT) to take over the investigation in Case Crime No.0631/2021 lodged at P.S. Kasganj, U.P. and to proceed against all the concerned police officers and such other persons found to be involved; and

(iii) to issue a writ, order or direction in the nature of mandamus thereby directing the respondents no.1 & 3 to provide a compensation of Rupees One Crore or such sum as this Hon'ble Court may deem fit to the petitioner for their failure to prevent the custodial death of petitioner's son; and/or

(iv) pass such appropriate orders or directions to ensure security and protection of the petitioner and his family members during the pendency of the present writ petition before this Hon'ble Court; and/or".

Before proceeding further in the matter, let Superintendent of Police, Kasganj/respondent no.4 file response/affidavit in the matter within ten days. The rejoinder affidavit, if any, may be filed within three days thereafter.

Put up this matter again as fresh on 10.1.2022.

Order Date :- 23.12.2021

RKP