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IN THE SUPREME COURT OF INDIA
CRIMINAL ORIGINAL JURISDICTION
M.R. SHAH; J., M.M. SUNDRESH; J.

WRIT PETITION (CRL.) NO. 347 OF 2022; November 03, 2022

M S RADHAKRISHNAN versus THE STATE OF KARNATAKA & ORS.

CBI Investigation - Keralite Medical Student Death in Mangaluru in 2014 - Writ petition filed by his father seeking CBI investigation - Allowed - It appears prima facie that it is not a case of simple accident as opined by the Investigating Agency - CID, Bengaluru has failed to perform its duty by not thoroughly investigating the case and tried to find out the truth - It is unheard of that an abated charge-sheet can be filed against the deceased who is alleged to have been murdered/killed - Abated charge-sheet set aside.

For Petitioner(s) Mr. Jogy Scaria, AOR Ms. Beena Victor, Adv. Mr. Ravi Lomod, Adv. Mr. Keerthipriyan E., Adv. Ms. M. Priya, Adv. Ms. Varsha Awana, Adv. Mr. Vinoth Yadav, Adv.

For Respondent(s) Mr. Shubhranshu Padhi, AOR Mr. Vishal Bansal, Adv. Mrs. Rajeshwari Shankar, Adv. Mr. Niroop Sukirthy, Adv. Mr. Mohd. Ovais, Adv.

ORDER

This is a case where a poor father, whose son has been killed/alleged to be murdered has approached this Court for appropriate order directing the (H&B) CID, Bengaluru-Respondent No.5 herein to transfer the further investigation in Crime Case No. 65 of 2014 registered with Panambur P.S. Mangaluru, Karnataka to the Central Bureau of Investigation [CBI] Bengaluru, Karnataka.

Pursuant to the earlier order passed by this Court dated 26.09.2022, Respondent No.5-CID, Bengaluru/Investigating Agency, which was directed to further investigate in the matter has submitted the status report.

From the report, it appears that except again obtaining the further Expert opinion from the Department of Forensic Medicine and Toxicology, Bangalore Medical College and Research Institute, Bangalore, there is no further investigation carried out.

On the contrary, an abated charge-sheet has been filed against the deceased for the offence under Sections 279, 304(A) IPC read with Section 185 of the Motor Vehicles Act. It is unheard of that an abated charge-sheet can be filed against the deceased who is alleged to have been murdered/killed. Even otherwise, on *prima facie* consideration of the relevant material on record, more particularly, the photographs produced along with the writ petition, it appears *prima facie* that it is not a case of simple accident as opined by the Investigating Agency.

We are not at all satisfied with the further investigation carried out by the Investigating Agency-CID, Bengaluru. The truth must come out after thorough and proper investigation by the Investigating Agency.

In the present case, the Investigating Agency – CID, Bengaluru has failed to perform its duty by not thoroughly investigating the case and tried to find out the truth.

Under the circumstances, this is a fit case to exercise the powers under Article 32 of the Constitution and to transfer the investigation of the case to the CBI, Bengaluru.

In view of the above and for the reasons stated above, the present Writ Petition stands allowed. The Investigating Agency HNB – CID, Bengaluru is hereby directed to transfer the investigation in Crime Case No. 65 of 2014 registered with Panambur P.S., Mangaluru to the CBI, Bengaluru, Karnataka and the CBI, Bengaluru, Karnataka is hereby directed to conduct the further investigation.

The CBI is, hereby, directed to submit the periodical status report before the High Court every two months on the further investigation carried out. The CBI, Bengaluru, Karnataka is expected to conclude the investigation as early as possible, considering the fact that the incident is of 2014 and the petitioner-father of the deceased is waiting for justice.

The present Investigating Agency is directed to handover the entire records of the case to the CBI, Bengaluru within a period of two weeks from today, after getting the same back from the concerned Court.

Having been satisfied that there is no proper investigation on the allegation of murder and/or the deceased being killed, we set aside the abated charge-sheet filed against the deceased for the offence under Sections 279, 304(A) IPC read with Section 185 of the Motor Vehicles Act. However, at the same time, whatever the material is collected during the investigation/further investigation be transferred to the CBI, Bengaluru, as ordered hereinabove.

The Writ Petition is, accordingly, allowed with costs, which is quantified at Rs.1,00,000/- to be paid by the CID, Bengaluru to be paid to the petitioner within a period of four weeks from today.

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