

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P.(PIL) No.2696 of 2021

Court on its own motion

Versus

The State of Jharkhand through
the Chief Secretary & Others

... Respondents

CORAM : HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE SUJIT NARAYAN PRASAD

For the State : Mr. Rajiv Ranjan, Advocate General

For the U.O.I. : Mr. Rajiv Sinha, A.S.G.I.

ORAL ORDER

02/Dated 29th July, 2021

The matter has been taken up through video conferencing.

2. A letter has been received by the In-Charge Registrar General written by the Principal District and Sessions Judge, Dhanbad bearing letter No.2788-G/2021 dated 29.07.2021 intimating incidence regarding sad and unfortunate demise of Shri Uttam Anand, District and Additional Sessions Judge-VIII, Dhanbad on 28.07.2021.

The content of the aforesaid letter is reproduced hereunder:-

“LETTER NO. 2788-G/2021

From : Ram Sharma'
Principal District and Sessions Judge,
Civil Court, Dhanbad.

To,
The Registrar General,
High Court of Jharkhand,
Ranchi.

Dhanbad dated 29.07.2021

Subject : Intimation regarding untimely demise of Sri Uttam Anand, District and Addl. Sessions Judge-VIII on 28.07.2021.

Sir,

This is to bring to you kind notice that on 28th July 2021 at about 9.20 am, I was informed by the

Registrar, Civil Court Dhanbad, that Sri Uttam Anand, District and Addl Sessions Judge-VIII had gone for a morning walk but did not return till now. I instructed him to contact the local police immediately and visit the nearby hospitals. The SSP Dhanbad was also informed telephonically in this regard and photograph of Sri Uttam Anand, District and Addl. Sessions Judge-VIII was also circulated to police personnels and the court staffs. During the course of search it was discovered that Sri Uttam Anand, District and Addl. Session Judge -VIII was found critically injured near Randhir Verma Chowk and was brought to PMCH Hospital. I immediately rushed to PMCH Hospital and found him dead. The attending doctors informed me that he was brought to the hospital by one Pawan Kumar Pandey and thereafter necessary treatment was given to Sri Uttam Anand and he was also put on ventilator but succumbed to his injuries. Thereafter, necessary instructions were issued to the police with regard to arrest of culprits.

This is for your information and needful.

Yours Faithfully

Sd/- 29.7.21

Ram Sharma
Principal District and Sessions Judge
Dhanbad”

Let letter No.2788-G/2021 dated 29.07.2021 be kept on record.

3. This Court, on the basis of the aforesaid letter as also the CCTV footage, takes *suo moto* cognizance of the matter treating the letter as the writ petition in the nature of Public Interest Litigation.

Office is directed to register the case accordingly.

4. We have gone through the content of the aforesaid letter as also perused the CCTV recording of the occurrence

and, therefore, called upon the learned Advocate General of the State, Director General of Police, Jharkhand, Senior Superintendent of Police (SSP), Dhanbad and Superintendent of Police (City), Dhanbad as also Mr. Rajiv Sinha, learned Additional Solicitor General of India.

5. We, during the Court proceeding, asked the Office of this Court to display the CCTV footage of the incident which has been perused by the learned Advocate General and the officers who are present today.

The Senior Superintendent of Police, Dhanbad has submitted in course of hearing that two persons have been apprehended. One of them is auto-rickshaw driver and another person who was sitting in the vehicle. Interrogation is being done by the Special Investigating Team constituted by him.

6. The members of the Bar have also appeared and submitted before us that the incident, in which a judicial officer has been killed, cannot be taken as a simple case of accident or murder rather the investigation is required to be conducted by the investigating agency on the angle that there may be conspiracy for the killing of the judicial officer as, according to them, the judicial officer concerned was in the *seisin* of very sensitive matters.

It has further been submitted that it cannot be believed that this incident is a simple accident by a vehicle as the place where the incident took place is the prime

location of the town of Dhanbad or it may be called as the main chowk of Dhanbad and when the concerned judicial officer was on morning walk, he was approached by auto-rickshaw. It would be evident from the CCTV footage that the vehicle, at the morning time when there was no traffic at all on the road took a sharp bend and approached the judicial officer who was jogging on the footpath on the left side. The auto-rickshaw came from behind and suddenly went towards the judicial officer. It slowed down when it just came beside him and then the judicial officer fell down on his left side.

They have submitted that it would be more surprising to see the CCTV footage that one motor-bike rider who was coming from the opposite side of the auto-rickshaw took a u-turn and had followed the auto-rickshaw and when the concerned judicial officer has fallen, he watched the judicial officer falling down and thereafter fled away.

They submitted that after watching such CCTV footage it does not appear to be an accidental death, rather it appears that it is a well conspired killing of the judicial officer that too just adjacent to the residence of the judicial officers in the town of Dhanbad.

They have submitted that it is further surprising that the CCTV footage immediately went viral. Question is, when the CCTV cameras which have been

installed in the municipal roads, is expected to be under the control of the district administration then how the aforesaid CCTV footage could become viral?

They have also submitted that as per the newspaper report, the aforesaid auto-rickshaw has been found to be of one Sugni Devi, who in course of interrogation has apprised the investigating agency that her auto-rickshaw has been stolen.

It is submitted that the occurrence is nothing but a brazen attack on the justice delivery system perhaps to give some message across the country therefore, it is a fit case where the investigation is required to be handed over to the Central Agency i.e., Central Bureau of Investigation.

7. During the Court proceeding, Mr. Vikas Singh, President of the Supreme Court Bar Association, had prayed to provide him link to appear in this case. Such link was provided to him and in pursuance thereto Mr. Singh appeared during the Court proceeding and has submitted that the incident of murder of the judicial officer is nothing but an attack on the judicial system of the country and ultimately a brazen attack of our democratic system. As such, he contended that the matter is required to be investigated by C.B.I.

8. We have put a question to the Superintendent of Police (City), Dhanbad who is heading the Special Investigating Team, that as to whether the two wheeler rider

has been apprehended or not? He has replied that the two wheeler rider has not been apprehended but the persons riding the auto-rickshaw have been apprehended.

We have also put query to the Senior Superintendent of Police, Dhanbad that what is the proof regarding theft of the auto-rickshaw, as has been said by Rugni Devi, the owner of the auto-rickshaw and whether the theft of that auto-rickshaw was ever been reported to any police station ? Upon this the Senior Superintendent of Police has submitted that as yet it has not been verified. He further submits that he will take care of this angle and will also investigate this aspect of the matter.

9. Learned Advocate General has submitted that since the Special Investigating Team has been constituted and two vital persons have been apprehended, therefore, at this stage matter may not be handed over to the Central Bureau of Investigation otherwise it will have a demoralizing effect upon the police force of the State.

He further submits that if this Court deems it fit and proper then the State is ready to appoint a high rank police officer to head the Special Investigating Team.

The Director General of Police, Jharkhand has submitted in furtherance to the submission made by learned Advocate General that a higher ranking police officer of the State would lead the Special Investigating Team and he has

suggested the name of Mr. Sanjay A. Lathkar, IPS, now ADG (Operation), Jharkhand.

The Director General of Police, Jharkhand has submitted that he will take all sincere endeavour to get hold of real culprits as also to conduct the investigation in professional manner to surface the conspiracy, if any, in the murder of the judicial officer concerned.

He has further submitted that the Special Investigating Team will surface out the entire thing since two vital persons, who were boarding the auto-rickshaw, have already been apprehended and proper investigation in a professional manner would be conducted.

10. This Court, in view of the facts stated hereinabove and taking into consideration the fact that Special Investigating Team has apprehended two persons on 28.07.2021 as also in view of the submission made by the learned Advocate General and Director General of Police that a high rank police officer would lead the Special Investigating Team and the investigation would be conducted in a very professional manner, deems it fit and proper to permit the S.I.T. headed by Mr. S.A.Lathkar, ADG (Operation) to investigate the matter in a professional and fruitful manner.

We, hereby, direct the Director General of Police, Jharkhand to immediately issue appropriate order/direction

for heading the Special Investigating Team by Mr. Sanjay A. Lathkar, IPS, ADG (Operation), Jharkhand today itself.

The newly appointed head of the Special Investigating Team will immediately take over the investigation and conduct the investigation in a professional manner and submit its progress report on 03.08.2021.

We make it clear that this Court wants a speedy, fair and professional investigation in the matter, as such, this Court will monitor the progress of the case and that is the reason we are posting this case on 03.08.2021 to look into the progress in the matter to come to the conclusion for continuation of the investigation by the Special Investigating Team or to hand it over to the Central Bureau of Investigation. We further make it clear that apprehending a pawn is meaningless unless the conspiracy is fully uncovered and the mastermind is nabbed. Time would be essence of matter in this investigation. Delay as well as any flaw in investigation may eventually affect the trial adversely. We are directing the S.I.T. to submit a report on the next date of hearing. Let an affidavit be filed disclosing as to when the information regarding the occurrence was received by the police and the time when the F.I.R. was registered. Let an information be also given to us as to whether the procedure of post mortem was video-graphed or not?

The Director General of Police, Jharkhand will apprise this Court about the graph rate of the crime in the State of Jharkhand after January, 2020.

11. Let this matter be posted on 03.08.2021 at the top of the list.

12. The required affidavits, as directed, shall be filed along with progress of investigation including the copy of the post-mortem report and F.I.R. under sealed cover, on or before the next date of hearing.

13. Let this order be communicated immediately to the learned Advocate General of the State who will ensure its communication to the concerned officers forthwith.

(Dr. Ravi Ranjan, C.J.)

(Sujit Narayan Prasad, J.)