

ITEM NO.8

COURT NO.1

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Writ Petition (Criminal) No.185/2018

GAURAV BHATIA

Petitioner(s)

VERSUS

THE STATE OF WEST BENGAL & ORS.

Respondent(s)

Date : 26-03-2019 This petition was called on for hearing today.

CORAM :

**HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE DEEPAK GUPTA
HON'BLE MR. JUSTICE SANJIV KHANNA**

For Petitioner(s) Mr. Gaurav Bhatia, Petitioner-in-person

**For Respondent(s) Mr. Kapil Sibal, Sr. Adv.
Mr. Suhaan Mukerji, Adv.
Ms. Astha Sharma, Adv.
Mr. A. Pujari, Adv.
Mr. Raghav Tankha, Adv.
Mr. Abhishek Manchanda, Adv.
Mr. Amit Verma, Adv.
Ms. Kajal Dalal, Adv.
Ms. Dimple Nagpal, Adv.
M/s. Plr Chambers And Co.**

**Mr. Tushar Mehta, SG
Mr. R. Balasubramanian, Adv.
Mr. Sachin Sharma, Adv.
Mr. Arvind Kumar Sharma, AOR
Mr. Rajat Nair, Adv.
Ms. Arunima Dwivedi, Adv.**

**Mr. Kavin Gulati, Sr. Adv.
Mr. Pawanshree Aggarwal, AOR
Mr. Utkarsh Jaishwal, Adv.
Mr. Himanshu Shekhar Tripathi, Adv.**

UPON hearing the counsel the Court made the following
O R D E R

This writ petition has been filed seeking the following reliefs:-

"a) Issue an appropriate writ, order or direction, in the nature of Mandamus directing the respondents to transfer the investigation and probe of the murder of Late Shaktipada Sardar, Late Trilochan Mahato and Late Dulal Kumar to the Central Bureau of Investigation.

b) Issue an appropriate writ, order or direction, directing the respondents to grant monetary compensation of Rs.50 lakh each to the family members of Late Shaktipada Sardar, Late Trilochan Mahato and Late Dulal Kumar.

c) Issue an appropriate writ, order or direction, directing the respondents to grant adequate police protection to the family members of the victims as there is an imminent threat to their lives."

During the pendency of the writ petition, the family members of the deceased i.e. Sijata Sardar, Krishnapada Kumar and Vivekananda Mahto, have filed the intervention applications.

We have heard Mr. Gaurav Bhatia, the petitioner appearing in-person, as well as the learned counsel for the family members of the deceased.

In the case involving the death of Shaktipada Sardar, three of the accused named in the F.I.R. have been charge-sheeted and they are presently in custody. In addition, other persons not named in the F.I.R. have also been charge-sheeted. In the case involving the death of

Trilochan Mahato, out of six named accused in the F.I.R., one person and some others have been charge-sheeted and trial is stated to be in progress.

Having regard to the above facts and availability of alternative remedy to the family members of the deceased, we decline and would not like to continue to entertain this writ petition insofar as the death of Shaktipada Sardar and Trilochan Mahato is concerned. With the aforesaid liberty, the writ petition to the aforesaid extent is closed.

Insofar as the incident relating to the death of Dulal Kumar is concerned, we direct the State of West Bengal to place before this Court a copy of the report of the independent medical board constituted to examine the cause of death. Further orders will be passed in the matter on the receipt of the said report which will be placed before this Court within two weeks from today.

(Chetan Kumar)
A.R. -cum-P.S.

(Anand Prakash)
Court Master