

ITEM NO.56

COURT NO.9

SECTION X

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

Writ Petition(s)(Criminal) No(s). 395/2025

RAJA CHANDRA

Petitioner

VERSUS

STATE OF CHHATTISGARH & ORS.

Respondents

I.A. No.246526/2025-APPROPRIATE ORDERS/DIRECTIONS

I.A. No.246521/2025-EXEMPTION FROM FILING O.T.

Date : 26-09-2025 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE DIPANKAR DATTA
HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

For Petitioner(s) :Mr. Colin Gonsalves, Sr. Adv.
Mr. Manik Gupta, Adv.
Mr. Satya Mitra, AOR

For Respondent(s) :Mr. Tushar Mehta, S.G.
Mrs. Prerna Dhall, Adv.
Mr. Ambuj Swaroop, Adv.
Ms. Rajnandani Kumari, Adv.
Mr. Kapil Katore, Adv.
Ms. Minakshi Pandey, Adv.
Mr. Prashant Singh, Adv.

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

1. This is a writ petition under Article 32 of the Constitution of India at the instance of the petitioner, Raja Chandra.
2. Petitioner alleges that he had invoked the writ jurisdiction of the High Court under Article 226 of the Constitution seeking investigation by an independent agency other than the agency of the State of Chhattisgarh into the death of his father and his father's friend in a fake encounter because he senses

foul play. While the petitioner admits that postmortem examination has been conducted, he has further sought for an order for further postmortem. Accordingly, there is also a prayer for preservation of the dead body of the deceased, till such time, the writ petition is considered by the High Court.

3. It has also been averred in the writ petition that despite a prayer being made before the High Court for urgent listing of the petition under Article 226 prior to the closure of the High Court for Puja/Dussehra vacation, such prayer has not been entertained which has prompted the petitioner to approach this Court with the present petition.

4. We have heard Mr. Gonsalves, learned senior counsel for the petitioner. He seeks urgent relief having regard to the peculiar facts and circumstances.

5. Mr. Tushar Mehta, learned Solicitor General appearing for the State submits that postmortem examination of both the deceased which were conducted have been duly videographed; also that, the family members of the petitioner's father's friend, upon being handed over the dead body of the deceased, have cremated him. However, the dead body of the petitioner's father is kept in the mortuary.

6. Heard the parties.

7. We direct that till such time the High Court decides the writ petition or passes an appropriate order at the interim stage, the dead body of the petitioner's father may not be cremated/buried or disposed of in any other way.

8. This writ petition stands disposed of with a request to the High Court to hear the writ petition immediately upon the High Court resuming for judicial work after the ensuing Puja/Dussehra holiday.

9. Since no affidavit has been called for from the respondents, allegations

leveled in the writ petition against them shall not be deemed to have been admitted.

10. All points on merit are kept open for being urged before the High Court for a decision.

11. Pending application(s), if any, shall stand disposed of.

(RASHMI DHYANI PANT)
ASTT. REGISTRAR-cum-PS

(SUDHIR KUMAR SHARMA)
COURT MASTER (NSH)