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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
PIL-CJ-LD-VC- NO. 37 OF 2020

Priyanka Tibrewal

.. Petitioner

Vs.

Union of India & Ors.

.. Respondents

Ms. Priyanka Tibrewal Advocate in person.

Mr. Anil C. Singh, ASG a/w Mr. Aditya Thakker and Mr D. P. Singh for Respondent- Union of India.

Mr. A. A. Kumbhakoni Advocate General with Ms. P. H. Kantharia, Government Pleader with Ms. Jyoti Chavan AGP for Respondent-State

WITH APPELLATE SIDE
CRIMINAL PIL-CJ-LD-VC- NO. 50 OF 2020

Sameet s/o Rakesh Thakkar

.. Petitioner

Vs.

Union of India & Ors.

.. Respondents

Mr. Raspal S. Renu for petitioner.

Mr. Anil C. Singh, Addl. Solicitor General a/w
Mr. Aditya Thakker and Mr. D. P. Singh for
respondent- Union of India.

Mr. A. A. Kumbhakoni, Advocate General with Mr. Deepak Thakare, Public Prosecutor with Mr. S. R. Shinde, APP for respondent-State.

CORAM: DIPANKAR DATTA, CJ. &
A. S. GADKARI, J.

AUGUST 07, 2020.

P.C.

1. In these two PIL petitions, the prayer is common, i.e. the Central Bureau of Investigation (hereafter “CBI”) should be entrusted with the investigation into the unnatural death of Sushant Singh Rajput, a film actor, on June 14, 2020.

2. We have been informed by Mr. Kumbhakoni, learned Advocate General for the State of Maharashtra, that a writ petition seeking similar relief was moved before the Supreme Court, being Writ Petition (Criminal) No. 190/2020, but the same has been dismissed by an order dated July 30, 2020. Mr. Kumbhakoni has, however, in his usual fairness submitted that copy of the writ petition was not served on the State of Maharashtra prior to the same being dismissed and, therefore, he is not in a

position to place such writ petition before us. He has assured to place the copy of the writ petition before us by the next date.

3. We have enquired from Ms. Tibrewal, petitioner in one of the two PIL petitions, appearing in-person, as to whether she has a copy of the writ petition. The reply is in the negative. She, however, submits that while dismissing such writ petition, the Supreme Court granted the petitioner liberty to move this Court.

4. The order of the Supreme Court does not so record. Be that as it may, we request the parties to place before us a copy of such writ petition on the next date.

5. Our attention has also been invited by Mr. Kumbhakoni to an order dated August 5, 2020 passed by the Supreme Court in Transfer Petition (Criminal) No. 225/2020. It appears to be a proceeding connected with the unnatural death of the same actor. Perusal of such order, *inter alia*, reveals that a status report has been called for from the State of Maharashtra in regard to the stage of

investigation by Mumbai Police. Although there is a direction for listing the Transfer Petition in the next week, a document has been placed on record by Mr. Kumbhakoni suggesting that the same would be listed next on August 18, 2020.

6. In view of the pendency of the Transfer Petition, Mr. Kumbhakoni has submitted that this Court may not pass any order on these petitions at this stage and may await the orders of the Supreme Court.

7. Mr. Anil Singh, learned Additional Solicitor General representing the Union of India, has submitted that on acceptance of the request of the father of the deceased, the CBI has already registered an FIR, *inter alia*, under Section 306 of the Indian Penal Code. He has also questioned the approach of the Mumbai Police in quarantining an IPS officer of the Bihar cadre, who had come to Mumbai for the purpose of ascertaining facts, although four other officers of Bihar Police who had earlier visited Mumbai were not meted out such treatment. According to Mr. Singh to unearth the

truth, the State ought not to stand in the way of investigation by the CBI.

8. The CBI has registered an FIR. We do not consider it appropriate, at this stage, to express our opinion either way. It would be just and proper to await the orders of the Supreme Court in the pending Transfer Petition, referred to above. Since such petition is likely to be taken up for consideration by the Supreme Court on August 18, 2020, we defer hearing of these PIL petitions till August 21, 2020.

9. This order will be digitally signed by the Sr. Private Secretary of this Court. All concerned will act on production by fax or e-mail of a digitally signed copy of this order.

A. S. GADKARI, J.

CHIEF JUSTICE