

IN THE COURT OF SHIVANK SINGH,
SPECIAL JUDICIAL MAGISTRATE (C.B.I.), 6th FLOOR, C.B.I. COURTS
COMPLEX
AT GHAZIABAD

Phanjoubam Linthoingambi
VERSUS
C.B.I.

13.10.2021

Misc. Case No : 14/20

CNR No. : UPGZ0461898 2020

RC No: RC 5 (S)/2019/CBI/SCB/ Lucknow

Branch: CBI/SCB/Lucknow

- 1) This case was registered by CBI on 05.07.2019 in pursuance to a notification issued by Govt. Of U.P. and a notification issued by Govt. Of India. In compliance of said notifications, the investigation of FIR No. 1023/2017 of PS Sector 20, District Gautam Buddha Nagar, U.P. u/s 302, 201 IPC relating to murder of Late Sh. Pravish Chanam registered against unknown persons was taken over by CBI.
- 2) It was alleged in the FIR that Pravish Chanam went missing from 'Road to Ultra', concert of an international music band 'Chain Smokers' from India Exposition Mart, Greater Noida in the night of 08.09.2017, for which a missing complaint was lodged with Knowledge Park Police Station on 09.09.2017. The dead body of deceased Pravish Chanam was found near *Murga* Market, Nithari village under the jurisdiction of Sector 20 Police Station on 09.09.2017 and was cremated on 13.09.17. Despite desperate pursuance, the family members came to know about death of Pravish Chanam only after the cremation of his dead body. The post mortem report mentions a number of injuries on the body of the deceased and therefore, the family members had claimed negligence on the part of local police/ hospital authorities and suspected criminal intent with possibility of organ trafficking in the death of Pravish Chanam.
- 3) It is stated that investigation has disclosed that the deceased, Pravish Chanam attended the concert 'Road to Ultra' on 08.09.2017 at Greater Noida with some of his friends and was taken to B.R. Ambedkar Hospital, Sector 30, Noida in an unconscious condition by the medical staff hired by the organizers of the concert. This information was not in the knowledge of his friends of the deceased and when the deceased did not return on 09.09.2017, a missing complaint was lodged by the brother of the deceased with Knowledge Park Police Station. However, the brother and friends of the deceased could only discover on 14.09.17 that the Pravish Chanam had expired on 09.09.17 and was cremated on 13.09.17 as unclaimed body by the police. It was only after the discovery of the death of the deceased, a written complaint was made by Ms. Phanjoubam Linthoingambi and an FIR was registered at PS- Sector 20, Gautam

Buddha Nagar as Case Crime No. 1023/17 u/s 302, 201 IPC against unknown and the case was entrusted to Anil Shahi, Inspector/ SHO to investigate the matter.

- 4) It is stated that Pravish Chanam had reached Delhi at the night of 07.09.21, he straightaway went to the residence of his friend Sh. Ashok Thounaojam (also from Imphal, Manipur) in Safdarjung Enclave, New Delhi. The deceased used to stay earlier with Ashok at Delhi. They had drinks and dinner together that night. It is stated that the whatsapp conversation do not reveal any pressure from the side of Ashok. On 8.9.17, the deceased along with his friends Ashok, Sachin and Ms. Teresa reached the venue at India Expo Mart, Greater Noida at about 2:30 PM and had purchased the tickets. Some other friends from Imphal also met them at venue and they all had whiskey on payment basis inside the venue. The deceased, Sachin and few others had also consumed Marijuana at the venue. The concert started its performance at around 7-8 PM. There were around 10,000 spectators. The deceased was wearing shorts/ Bermuda that evening and so with the fear of losing his wallet and mobile phone, the deceased had handed over his mobile phone and wallet to Ashok to keep in his bag for safe custody.
- 5) It is stated that investigation has disclosed that Pravish Chanam got seperated from his friends during the concert and was found by the security guards at the venue at about 9 pm in an unconscious state. He was heavily drunk and fuming. Pravish Chanam was taken to Dr. Amit Jindal the owner of the ambulance service "The Cardiac Ambulance" which was hired by the organizers. Over examining Pravish Chanam, Dr. Jindal found that his heart rate was abnormally fast. This information was not disseminated to the crowd/ spectators of the concert. Further, on the directions of Dr. Jindal, Pravish was referred to Dr. BR Ambedkar Super Speciality Hospital at Sector – 30 Noida also known as District Combined Government Hospital. Dr. Prashant Tyagi, who was on emergency duty on that night has confirmed that Pravish was in semi conscious state naking seizure like movements, shivering and had alcoholic smell in his breathe. Accordingly he was given treatment for heavy drinking and after sometime the condition of the deceased became stable. At the time of treatment of deceased, there was one injury on the leg of Pravish Chanam. While Pravish Chanam was being admitted in the hospital, Ashok and his friends kept waiting for him at gate no. 3 of the venue. They tried to search for Pravish in and around the venue but could not find him. Finally they left the venue assuming that Pravish Chanam might have gone with his other friends residing nearby and would return the next morning. Therefore, they did not inform police or family members of Pravish Chanam in this regard at that night.
- 6) As per CCTV footage of the hospital, Pravish was seen lying on the emergency bed of the hospital in the morning of 09.09.17. He is seen getting out of the bed at about 7:30 AM and going out of the hospital bare footed. He is further seen returning to the hospital from the same gate at about 07:45 AM with a water bottle. Thereafter he is

seen roaming in the hospital for sometime but his final exit from hospital was not captured in any of the CCTV. The deceased was thereafter seen for a few seconds at about 03:10 PM on 09.09.2017 in yet another CCTV footage installed in a Hotel named as Noida Stay (Merriment Alfa), Sector-31, Noida in Nithari Village. In this footage the deceased is seen walking briskly in the middle of the road between ongoing traffic. It is stated that just ahead of the place where deceased was seen in the last recorded CCTV footage, he had come across a number of persons. During examination these persons have confirmed that Pravish Chanam was in state of intoxication and with injuries on leg and arm. They have also stated that the deceased was not able to communicate properly. At the same place, Pravish Chanam sat on an E-rickshaw of Sh. Ranjit Ram and tried to convey something by making gestures. Since Ranjit Ram could not follow his gestures, the bystanders at the nearby Pan Shop had interpreted the gesture of Pravish Chanam that he had been hit by a motorcycle. Thereafter, Pravish Chanam got off the rickshaw and moved ahead on foot. Thereafter, he was spotted by Sh. Mukesh Rai, an egg seller. Pravish was lying between pillar No. R-2/ P-2 and R-2/P-1 at about 4PM and was taking deep breath. He had bandages on the right elbow and on the right leg. At Aprox 04:30 PM, Smt. Arti Devi, mother of Mukesh Rai, offered him water but Pravish had lost his consciousness by then. One, Anurag Singh who owns a glass shop in Nithari market came across the deceased on 09.09.17 at about 5PM and he tried to bring the deceased back to consciousness by sprinkling water on his face. Pravish tried to open his eyes but again felt unconscious with froth coming out of his mouth. According to this witness, Pravish was having injury marks on his body and swelling on his face. Thereafter he had made call on 100 to call police, after which Pravish was taken to BR Ambedkar Hospital, Sector-30 Noida by PCR vehicle, where he was declared dead.

- 7) A tehrir was submitted by Shri Sonu, owner of an automobile workshop and a G.D. Entry was made by Head Constable Kripal Giri, PS- Sector 20, Noida and the matter was marked to Sh. Rakesh Babu, SI. Sh. Rakesh Babu, SI accordingly visited Dr. BR Ambedkar Hospital and thereafter handed over the body of the deceased to one Constable for getting the Post Mortem done with direction to cremate the body, if remain unclaimed within 72 hrs.
- 8) Next morning, on 09.09.2017, when the deceased did not return to Ashok's place Ashok called Ravikanta (elder brother of Pravish staying in Delhi) over mobile phone and informed about the missing of Pravish Chanam since previous night. Ravikanta alongwith his friends had reached immediately to Ashok's house. Ashok handed over the wallet of deceased to Ravikanta but did not handover the mobile to him. However, when Pravish did not return on 09.09.17 the mobile phone was handed over to the brother of the deceased. The said mobile phone was not seized by Anil Kumar Shahi, IO and succeeding IO's of the UP Police during their investigation and also did not collect CDRs of the mobile phone of the deceased and his friends. The complaint

regarding the missing of the deceased was filed at Knowledge Park PS by Ravikanta at 09.09.17, however Sh. Sanjeev Kumar, PC, who was on duty in the Police Station failed to transmit the information regarding missing of deceased to the control room, as a result the information could not be disseminated further.

- 9) The post mortem of the deceased was done on 11.09.17 at 04:30 PM by Dr. Sachindra Kumar Mishra and it was concluded that the cause of the death was '*Shock and Hemorrhage due to head injury*'. He has clarified that the '*traumatic swelling on skull*' which caused the head injury is considered a serious injury which may lead to immediate death. The viscera was not preserved as the cause of death was confirmed to be head injury. It is also stated that second opinion was sought from FSL Lucknow and Dr. G. Khan, Joint Director, FSL, Lucknow had opined that the injuries are abrasion and contusion that might have been precipitated by falling on a hard surface. Dr. G Khan has also stated that the post mortem report is not upto the mark. The said report of FSL Lucknow was corroborated from Forensic department of AIIMS, New Delhi.
- 10) It is stated by CBI in such closure report that the visit of deceased to Delhi was self planned and not a result of any conspiracy. It is further stated that nothing has come on record to suggest any motive behind the death of the deceased and there is no criminal intent behind the death of such deceased. It is stated by CBI in such closure report that the death of Late Sh. Pravish Chanam appears to be accidental and hence this closure report is being filed.
- 11) Complainant has filed a protest petition against such closure report. In a nutshell, it is stated in the protest petition that complainant was murdered and there is certainly a criminal intent behind the death of Pravish Chanam and CBI has wrongfully submitted the closure report in order to save the accused persons, therefore this closure report needs to be rejected.
- 12) I have heard both the sides and I have perused the record in depth and detail. I have gone through each and every statement u/s 161 CrPC recorded by each and every IO of UP Police & CBI. I have also perused the material relied upon by the CBI in support of such closure report. I have also perused the CCTV footages, the Post Mortem Report, the documents of Govt. Combined Hospital, Noida pertaining to details of Pravish Chanam. I have gone through all of the case diaries prepared by the investigation officers of CBI and U.P. Police as well.
- 13) According to the statements of witnesses recorded by CBI, the deceased did not have injuries except one bandage on his right leg and one on right arm. On the contrary, as per post mortem report, injuries on the body of the deceased were:
 - (a) Abrated contusion (24X14 cms) on left side of face and forehead.
 - (b) Traumatic swelling (5X3 cms) on the left side of skull, 6 cms above left ear.
 - (c) Abrated Contusion (4X3 cms) on the right side of face, 2 cms below right eye.
 - (d) Abrated Contusion (47X17 cms) in the left thigh to left knee joint.

(e) Abrated Contusion, (5X4 cms) on right leg, 13 cms above from ankle joint.

(f) Abrated Contusion, (4X3 cms) on left elbow joint.

- 14) It is pertinent to note here that, if the most natural witnesses, in front of whom the deceased were on his death bed and was taken to hospital by police have stated there was only one bandage on right leg and one on right arm. It is hard to believe that the injuries on face and forehead, and other injury of around 47 cms on left thigh of the deceased mentioned in post mortem report were not visible to them. Investigation agencies have failed to put forth this point that as to when and how those injuries were made when all of such independent and natural witnesses have stated about the injuries which do not fall in line with the injuries mentioned in Post Mortem Report. It may be noted that CBI, after investigating the case for approximately one and a half year (05.07.19 to 21.12.20) did not bother to look into the fact that why there is such difference in the injuries mentioned in the post mortem report and in the ocular testimonies of the witnesses.
- 15) Further, it is stated by Ashok and Teresa, who were present with the deceased that the girlfriend of the deceased Ms. Jasmine had called Pravish on the unfortunate night of 08.09.17. It is further stated that the phone call on the mobile phone of Pravish was received by Teresa. But it is stated by CBI that during such investigation, the statement of Jasmine, girlfriend of deceased could not be recorded as she did not cooperate in the investigation. This court fails to understand that why despite such non cooperation, no legal action was proposed against her in view of her refusal to cooperate with CBI in such investigation. On bare perusal of this report, it appears that her examination is very crucial related with such incident.
- 16) Most importantly, as per the statements of Ashok given to UP Police, Ashok had stated that the guards at Gate No. 3 had seen the deceased being taken by two persons to a car. Ironically, Ashok and Teresa have stated before both the agencies i.e. UP Police & CBI that they waited for Ashok to come till 12:30 AM at the venue and even Dr. Amit Jindal, the owner of the Cardiac Ambulance Service which was deployed at the event, in his statement recorded on 21/09/19 before CBI which is annexed with Case Diary has stated that even he waited till 12:30 AM outside the medical room at the venue in anticipation that if any person associated with the deceased would turn up then they would show the pictures and videos captured by them at the hospital in order to identify the deceased.
- 17) Factually, it is hard to believe that Ashok and his friends waited genuinely enquiring about the deceased at the venue till 12:30 AM and they did not even come across with Dr. Amit Jindal who was also waiting at the same venue in search of any person looking for the deceased to turn up at the venue. It is also stated by Dr. Amit Jindal that the event had ended at 10 PM and the crowd had left the venue by 11 PM. Still, he had waited till 12:30 AM in anticipation that someone associated with deceased would turn up.

- 18) To put it differently, this court finds it difficult to understand that why the friends of the deceased i.e. Ashok, Teresa etc. did not contact the authorities of management/ medical staff when they were told by the guards at Gate No. 3 that the deceased had been taken to a car by 2 persons. Further, it is also hard to believe that why the IO of CBI did not enquire Ashok with this perspective when it has been specifically written by the IO of UP Police in 57 C.D. Dated 20.06.18 that the new statement given by Ashok is very different from the previous statement as in the later one he has stated that he was told by guards on the night of 08.09.2017 when he was looking for Pravish at gate no. 3 of the venue, that the deceased was taken by two persons to a car.
- 19) Keeping in view the abovesaid observations, it can be said that there is something more than what is being portrayed through sketched illustrations. The intention to outwit and hoodwink the court with the almost deluded closure report thus become latently apparent. Thus, in considered view of this court, further investigation is required to be done. Accordingly, the protest petition is allowed, closure report filed by CBI in RC 5 (S)/2019/CBI/SCB/ Lucknow is hereby rejected. CBI is directed to further investigate the case.
- 20) Further, it may be noted that there are many lapses on the part of UP Police which has hauled this case with open ends. This court is in deep pain to note that due to such lapses, the parents and family of the deceased did not even get a chance to see the dead body of the deceased or to perform the last rites of their late son.
- 21) The shoddy investigation done by UP Police in the present case with sinister potential with regard to human life deserves strong disapproval by this court. Such manner shown by the police strikes a blow at rule of law. Justice V.R. Krishna Iyer had very aptly said that “*Who will police the Police?*”. As such, the copy of this order be sent to worthy Director General of Police, State of Uttar Pradesh in order to take strict actions against the erring officials who were related with the investigation of Case Crime No. 1023 of 2017 under sections 302, 201 IPC of PS Sector 20, Gautam Buddha Nagar.
- 22) Also, it is hereby directed to CBI that progress report of such further investigation be filed by the IO in person on 22/11/21.

(SHIVANK SINGH)
Special Judicial Magistrate (CBI)
Ghaziabad