

IN THE SUPREME COURT OF INDIA
CRIMINAL ORIGINAL JURISDICTION

WRIT PETITION (CRL.) NO.162 OF 2013

DEGREE PRASAD CHOUHAN

Petitioner(s)

VERSUS

STATE OF CHHATTISGARH & ANR.

Respondent(s)

O R D E R

This writ petition is filed by a Government Assistant Teacher (Panchayat) working in the Government Primary School Phoolbahari, seeking constitution of a Special Investigation Team (SIT) comprising of officer/officers from outside the State of Chhattisgarh to investigate and prosecute the members of the combined forces for the alleged massacre in village Edesmeta of Thana Gangalur Taluk in Bijapur District of Chhattisgarh on 17.5.2013 and for a direction to the respondent to pay compensation to the victims and their families. Eight members of a tribe belonging to Madia/Koya community were killed on 17.5.2013 due to the firing by combined forces. A Special Investigation Team was constituted by the State of Chhattisgarh on 28.5.2013 to inquire into the incident that occurred on 17.5.2013.

On the last date of hearing, we directed the State of Chhattisgarh to file an affidavit informing this Court about the progress made by the SIT. Pursuant to the said direction, an affidavit is filed by the Additional Superintendent of Police, District, Bijapur, Chhattisgarh. It is stated in the affidavit that apart from the witnesses who were examined by the investigation officer earlier, only five witnesses could be examined by the SIT and efforts were being made to trace the naxalites. We are not satisfied with the progress made by the SIT from 2014 till date in conducting an inquiry into the death of eight tribals on 17.5.2013.

After hearing Mr. Colin Gonsalves, the learned senior counsel appearing for the petitioner, the learned Additional Solicitor General and the learned counsel for the State of Chhattisgarh, we are of the opinion that more than five years have passed without any effective investigation or enquiry being done in the matter of death of tribals in the State of Chhattisgarh. We are convinced that the matter pertaining to the inquiry into the above-mentioned incident should be referred to the Central Bureau of Investigation (CBI) for expeditious investigation.

The Director, CBI shall ensure that the investigation is done by an officer/officers who are not from the State of Chhattisgarh.

List the Writ Petition after six months.

.....J.
[L.NAGESWARA RAO]

.....J.
[M.R.SHAH]

New Delhi;
03rd May, 2019.

ITEM NO.37

COURT NO.13

SECTION X

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition(s)(Criminal) No(s).162/2013

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Date : 03-05-2019 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE L. NAGESWARA RAO
HON'BLE MR. JUSTICE M.R. SHAHFor Petitioner(s) Mr. Colin Gonsalves, Sr. Adv.
Mr. Siddrath Seem, Adv.
Mr. Kishore Naryan, Adv.
Ms. Jyoti Mendiratta, AORFor Respondent(s) Mr. Shiv Mangal shara, Adv.
Ms. Akansha Kaul, Adv.
Mr. B. Krishna Prasad, AOR

Mr. Sumeer Sodhi, Adv.
Mr. Ashish Tiwari, Adv.UPON hearing the counsel the Court made the following
O R D E RThe matter is directed to be listed after
six months in terms of the signed order.(B.Parvathi)
Court Master(Kailash Chander)
Assistant Registrar

(Signed order is placed on the file)