

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

PIL-CJ-LD-VC. NO. 31 OF 2020

WITH

PIL-CJ-LD-VC-IA-NO.1 OF 2020

Firdause Irani ... **Petitioner/Applicant**

Versus

The State of Maharashtra & Ors. ... **Respondents**

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Mr.Gopal Sankarnarayan,Senior Counsel a/w Mr. Firdause Irani, Mr. Bahraiz Irani & Mr. Behzad Irani for the Petitioner and for applicant in **PIL-CJ-LD-VC-IA-1-2020**

Ms. P. H. Kantharia, Govt. Pleader with Ms. Jyoti Chavan, AGP for Respondent-State.

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**CORAM : DIPANKAR DATTA CJ &
SMT.ANUJA PRABHUDESSAI , J.**

DATED : AUGUST 17, 2020.

P.C. :

1. A status report dated August 17, 2020 of Mr. Suhas Raikar, Assistant Commissioner of Police, Santacruz Division, Mumbai, has been placed before us. Such report purports to be in terms of our order dated July 23, 2020.

2. We have read the report and express our displeasure at the manner in which the investigation in question is being handled by Mumbai Police. The Addl. Commissioner of Police who was in-charge of investigation between April 10 and July 23, 2020, proceeded on sick leave on July 29, 2020, resulting in entrustment of the investigation to Mr. Raikar. Mr. Raikar has taken over investigation on August 14, 2020. Obviously, in such short time, he has not been able to make much headway and has prayed for time to complete the investigation.

3. Allegations of police excess committed on the deceased victim having surfaced, concern was expressed in no uncertain terms in our earlier order that there should be free, fair and meaningful investigation of the crime. We thus expected Mumbai Police to be diligent in completing the investigation with utmost expedition and thereby provide a sense of credibility. Prima facie, the police has been dragging its feet and the situation that has since emerged leaves a lot to be desired. We have no option but to direct the Commissioner of Police, Mumbai Police to constitute a Special Investigation Team comprising of two police officers of impeccable integrity and unquestionable competence. Such officers shall be appointed by the Commissioner of Police within 24 hours of receipt of a copy of this order, whereafter all

papers, documents, and materials collected during investigation of C.R. No.122 of 2020 shall be handed over to the officers comprising the said investigation team.

4. We hope and trust that the Special Investigation Team shall fairly, freely, efficiently and meaningfully conduct and complete the investigation and be in position to place the police report under Section 173(2) of the Code of Criminal Procedure by the time we assemble next on September 21, 2020. A copy of the police report, if ready to be filed before the competent court having jurisdiction, shall also be forwarded to this Court by e-mail.

5. In the meanwhile, the petitioner shall be free to offer suggestions to curb alleged police brutality complained of by him. A copy thereof shall be forwarded to Mrs. Kantharia, learned Government Pleader, well in advance of the next date of hearing to enable her return with better instructions.

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

SMT.ANUJA PRABHUDESSAI,J. CHIEF JUSTICE