

Chief Justice's Court

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 819 of 2020

Petitioner :- Saurabh Tiwari

Respondent :- State of U.P.

Counsel for Petitioner :- In Person

Counsel for Respondent :- C.S.C.

Hon'ble Govind Mathur, Chief Justice
Hon'ble Saumitra Dayal Singh, J.

As already recorded on 19th August, 2020, one Sri Shiv Kumar Trivedi, Student of B.Sc. 2nd year at Banaras Hindu University is missing since 12th February, 2020 and his whereabouts are not available with the police authority who are said to have taken him to Police Station Lanka on the date aforesaid. On 19th August, 2020, a direction was given to the District Magistrate, Varanasi, Senior Superintendent of Police, Varanasi and Station House Officer, Police Station Lanka, District Varanasi to file a complete statement of facts in the form of affidavit pertaining to the missing boy.

An affidavit sworn by Sri Amresh Kumar Singh, Circle Officer Bhelupur, District Varanasi has been filed today. That affidavit though refers to certain steps said to have been taken by the police, it does not inspire adequate confidence. Nothing has been stated in the affidavit as to what happened on 12th February, 2020 that demanded presence of the missing boy at the police station.

During the course of arguments, it is stated by Learned Additional Government Advocate that the boy who was at police station ran away on the next day and no details in relation to him are yet available. However, later, one mentally retarded person was brought by the police and the police is having apprehension that he may be Sri Shiv Kumar Trivedi and, therefore, a DNA and biometric tests are proposed to be conducted to determine his identity.

We fail to understand why the police authorities instead of placing on record all the details relating to the facts that happened on after 12th February, 2020 and more specifically after the boy ran away from the police station, which facts must have been recorded in the general diary, have filed a vague affidavit.

Having considered the facts of the case, we deem it appropriate to direct the Senior Superintendent of Police

Varanasi to file his personal affidavit about all the facts relating to missing of Sri Shiv Kumar Trivedi and subsequent steps taken by the police. The Senior Superintendent of Police, Varanasi is also required to remain personally present before the Court on next date of listing.

Let this petition be listed on 03rd September, 2020.

Order Date :- 25.8.2020

Rameez

(Saumitra Dayal Singh,J.) (Govind Mathur,C.J.)