

SUPREME COURT OF INDIA

State of Maharashtra

Vs.

Sheela Ramesh Kini

(M Punchhi and K Thomas JJ.)

08.11.1996

ORDER

1. The minutes of our order dated 4-11-1996 extracted below, shall form part of this order:

"During the course of arguments, we have felt the necessity of having the reports of investigation which have been kept submitted to the Bombay High Court from time to time. Mr. Mendonca, Additional Director General of Police, CID (Crimes), Pune, who kept an eye on the CID investigation and who submitted those reports in the High Court, is directed to obtain those reports from the High Court in the sealed condition, as they are lying there, and bring them to us on Friday, the 8th November, 1996 at 12 noon for which purpose a request for facility be made to the High Court. Those shall be placed before us in that condition and we will pass appropriate orders thereon after having dealt with them in the manner we think fit. The Registry to take immediate steps to conveying this order of ours to the High Court as also to Mr. Mendonca, Additional Director General of Police, CID (Crimes), Pune. Dusty copies be given to the parties today.

The cases to remain part-heard for 8-11-1996 at 12 noon."

2. Pursuant thereto, Mr. Mendonca, Additional Director General of Police, has brought those investigation reports, which are 5 in number, under sealed cover in one packet. We have gone through the contents of those reports carefully and after having done so, have caused them to be put back in a sealed cover and those have been handed over to Mr. Mendonca for re-submission to the High Court.

3. The facts speak eloquently in the judgment of the High Court sought to be appealed against. We would scrupulously avoid making mention thereof lest our step in that direction be treated as one of approval or disapproval. Some portions of the High Court's judgment, however, are worth reproduction. These are:

"Having watched progress of the investigation, we have no reason to doubt either the honesty or the integrity of the officers engaged in the investigation. We, however, find that the investigation has now reached a deadlock. We further find that certain vital facts which emerge in the investigation have still remained unanswered. They are:

(i) exact cause of death;

(ii) movements of Ramesh Kini between 8.00 a.m. on 23rd July, 1996 when he left to attend a meeting in the office of Samna after he met Advocate Shri Lad at 9.30 a.m. and 10.30 p.m. on the same evening when he was found in Alka Theatre in Pune;

(iii) possibility of death otherwise than by suicide.

We find that the present investigating agency has proceeded to investigate the case only on one hypothesis namely 'suicidal death'. No steps are taken to find out whether this is a case of murder."

Further the High Court has said:

"The present case, it is to be noted, has generated immense amount of public interest. There is, in fact, a public outcry. In the circumstances, we cannot totally ignore the aforesaid facts and circumstances arising in the present case."

And finally, the High Court has gone on to say:

"Having regard to the lacuna in the investigation, which we have noted above, we find that a case is made out to order transfer of investigation to the CBI. We have noticed that investigation has been one-sided and has failed to explore alternate possibilities arising in the investigation. To this extent investigation is found to be faulty. Though no trace of external agency is noticed, possibility of a latent bias on the part of the investigation cannot be totally ruled out."

4. Insofar as the view of the High Court that the crime has generated immense amount of public interest or, in other words, a public outcry and that in a manner a public demand has been made towards transference of the investigation to the CBI, with respect, we do not agree with the High Court. Decisions cannot be made on the verdict of the numbers. A situation of the kind can develop many a time, but courts have to maintain their cool and watch the events with a fair amount of objectivity. And it is not difficult for interested parties sometimes to manipulate mass outcry; highly litigious as our country has emerged to be. Disagreement with that portion of the order, however, does not tell on the other parts of the order which, in our view, does not call for any dissent on our part; more so, when we have gone through the reports submitted by the CID to the High Court. The impression gathered by the High Court on the basis of those reports was perfectly within its domain and that being so, the impugned order does not require any interference under Article 136 of the Constitution of India. The special leave petitions are, therefore, dismissed.