



IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/SPECIAL CRIMINAL APPLICATION (DIRECTION) NO. 967 of 2020

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Versus
STATE OF GUJARAT & ORS.

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Appearance:
MR GAURAV CHUDASAMA(5660) for the Applicant(s) No. 1
for the Respondent(s) No. 2,3
NOTICE SERVED BY DS for the Respondent(s) No. 1
MR HK PATEL, APP for the Respondent(s) No. 1

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CORAM: HONOURABLE MR. JUSTICE HASMUKH D. SUTHAR

Date : 16/08/2024

ORAL ORDER

1. The present petition is filed by the petitioner seeking the following relief:

“(B) By issuing appropriate writ, order and direction, Your Lordships may pleased to transfer the investigation of the FIR I-C.R. No.201/2015 of Morbi City A Division Police Station, Morbi from respondent No.3 to C.B.I. or any other higher rank officer.”

2. In the present petition, the petitioner has raised grievance that On 15-12-2015, as per routine, the minor son of the petitioner did not come back home from school. Therefore, the petitioner visited his son's school and met with the trustee. The trustee informed the petitioner that all the students had left the school at the usual time. The petitioner then inquired with his son's friends, who confirmed that they had all left the school at about 12:15 PM. The petitioner informed his relatives and friends about the incident and visited the school again, where he found his son's bicycle next to the parking area near a pan shop. He then met the trustee once more, and this time, the trustee mentioned that students of the 'Sathvara' caste were saying that the petitioner's son had left with someone on an Activa or Pledger motorcycle. The petitioner searched for his son



throughout the evening but could not find him. As a result, a complaint was registered under I-C.R. No. 201/2015 at Morbi City A Division Police Station, Morbi, for the offenses punishable under Section 363 of the Indian Penal Code. Thereafter on 18.12.2015, the police found the dead body of the petitioner's son near the . The postmortem report revealed that the petitioner's son had been brutally murdered after being subjected to unnatural sex. Consequently, Sections 377 and 302 were added to the charges. The petitioner raised concerns about the Mahants of the Swaminarayan Temple, where his son used to go for worship. However, the investigating officer did not pursue this line of inquiry, leading to the filing of the present petition.

3. From the record, it appears that no fruitful outcome of the investigation has been brought on record, despite various orders passed by this Court in this regard. On 25th July 2024, this Court observed that, considering the seriousness of the offence and the fact that the FIR was registered for offences punishable under Sections 363, 302, 377, and 201 of the Indian Penal Code, 1860, Section 135 of the Gujarat Police Act, and Sections 4 and 6 of the Protection of Children from Sexual Offences Act, a Special Investigation Team was constituted pursuant to the order dated 27-09-2017 passed by the Director General of Police, Gandhinagar. However, till date, no fruitful outcome of the investigation has been reported, and no suspect or offender has been traced. Considering the aforesaid fact, at the request of the learned APP, three weeks' time was granted with a direction to the respondent authorities to investigate the offence and submit



a report on or before the next date of hearing. Failing this, the Additional D.G., Crime-1, CID Crime and Railways, Gandhinagar, shall remain present on the next date of hearing before this Court.

4. Today, when the matter was called for hearing, the learned APP produced a report prepared by Mr. K.K. Jadeja, Detective Police Inspector (CID Crime) Rajkot. The same has been taken on record.

5. After perusing the report, it appears that the same story has been repeated, which indicates his inability to trace the suspect and offender or properly detect the offence.

6. Considering the seriousness of the offence and the inability of the respondent authority to detect an offence and the fact that more than nine years have been pass without any fruitful outcome of investigation, it is expedient to direct the respondent authority to hand over the investigation of FIR, being I-C.R. No.201/2015 registered at Morbi City A Division Police Station, Morbi, to the **Central Bureau of Investigation**, along with all related case documents for the investigation of FIR, being I-C.R. No.201/2015 registered at Morbi City A Division Police Station, Morbi.

7. With the aforesaid direction, the present petition is disposed of accordingly.

(HASMUKH D. SUTHAR,J)

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