

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR
WA No. 2426 of 2025
(*SOURABH AGARWAL Vs THE STATE OF MADHYA PRADESH AND OTHERS*)

Dated : 09-10-2025

Shri Vishal Vincent Rajendra Daniel - Advocate for appellant.

Shri Anubhav Jain - Government Advocate for respondents/State.

Shri Nitin Dubey - Advocate for respondent No.8.

Mr. Sanjay Gurjar, SI, Investigating Officer, Police Station - Kotwali, Jabalpur alongwith case diary and Mr. Ayush Gupta, In-Charge & Additional Superintendent of Police, Jabalpur are present in the Court. He produces certain documents which *inter alia* contends that a statement given to the police and submits that a supplementary charge sheet has been filed which enclosed a letter given by the complainant.

Perusal of documents produced before us show that statements of complainant; his wife and eye witnesses have been recorded under Section 161 of Cr.P.C. and after recording the same, there are questions put to the said witnesses by the police officer. The questions *prima facie* are not in nature of clarification. However, appear to be put to discredit the statements given under Section 161 of Cr.P.C. or to bring out certain discrepancies. All the witnesses have been then made to sign the statements. This kind of a conduct and investigation is unheard of and impermissible in law where the investigation officer instead of conducting an investigation, conducts an enquiry and test the veracity of the statements made by the complainant and witnesses.

We are informed that the trial has commenced and matter is listed for hearing today. This is a case where minor child who was aged about three years has lost his life and *prima face* it appears that investigation has not been done in a manner as known to the criminal procedure law. Accordingly, we direct the Superintendent of Police to be personally present before this Court on the next date of hearing.

List on 14.11.2025.

In the meantime, trial shall remain stayed till the next date of hearing.

Certified copy today.

(SANJEEV SACHDEVA)
CHIEF JUSTICE

(VINAY SARAF)
JUDGE

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