

# The High Court Of Madhya Pradesh

WA-469-2021

(KISHANVIHARI SHARMA @ SATYA Vs THE STATE OF MADHYA PRADESH AND OTHERS)

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Gwalior, Dated : 24-06-2021

**Heard through Video Conferencing.**

Shri Awdhesh Singh Bhadauria, learned Counsel for appellant.

Shri Ankur Mody, learned Additional Advocate General for respondents/ State.

Charge sheet in the matter has been filed.

The seminal question which arises for consideration is as follows:-

*"Whether the remedy under Section 156(3) CrPC so far as it relates to grievance of improper/ delayed investigation can be availed by accused or not ?"*

Learned Counsel for appellant, Shri Bhadauria has relied upon the case of "**Babubhai vs. State of Gujarat & Others [(2010) 12 SCC 254]** and **Selvi & Others Vs. State of Karnataka [(2010) 7 SCC 263]**" while learned Additional Advocate General, Shri Mody has relied upon relevant paragraph 32 in the case of "**Nandini Satpathy Vs. P. L. Dani and Another [AIR 1978 SC 1025]**" and paragraphs 24 & 27 in the case of **Sakri Vasu Vs. State of Uttar Pradesh and Others [(2008) 2 SCC 409]**"

It does not appear that there is any authoritative decision on the said point and, therefore, this Court would like to seek assistance of the Bar and invite every Member of the Bar to address this Court on the said issue.

The Principal Registrar of this Court is directed to publish this order on the notice Board of the Bar Association and communicate the

same to the Office-bearers of the Bar Association so that as and when hearing takes place after resumption of physical hearing, the matter can be properly adjudicated.

With the hope that physical hearing will resume soon, list the case in the **first week of August, 2021.**

**(SHEEL NAGU)**  
**JUDGE**

**(ANAND PATHAK)**  
**JUDGE**

MKB

