

23 30/7/2019

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR  
WRIT PETITION (C) NO. \_\_\_\_\_/2019

PETITIONER

Jhumar Oyami

*VERSUS*

RESPONDENTS

Union Of India & Ors.

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Date 30/7/2019

(Sudesh Acharya)  
COUNSEL FOR PETITIONER

(A)

**IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR**

**WRIT PETITION [C] NO. \_\_\_\_\_ / 2019**

**PETITIONER**

Jhumar Oyami

**VERSUS**

**RESPONDENTS**

Union Of India & Ors.

**SYNOPSIS AND CHRONOLOGICAL LIST OF DATES AND EVENTS**

The present Writ Petition is preferred challenging the constitutional validity of the National Investigation Agency, 2008 on the ground that the said Act, in its present form and nature, is beyond the legislative competence of the Parliament. In an alternative, the petitioner seeks to declare Section 6, 7, 8 & 10 of the National Investigation Agency Act, 2008 as *ultra vires* to the Constitution of India.

**DATE**

**EVENT**

31.12.2008

The Parliament enacted the National Investigation Agency Act, 2008 with an aim to constitute an investigation agency at the national level to investigate and prosecute offences affecting the sovereignty, security and integrity of India, security of State, friendly relations with foreign States and offences under Acts enacted to implement international treaties, agreements, conventions and resolutions of the United Nations, its agencies and other international organisations and for

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matters connected therewith or incidental thereto. The Act was brought into force on 31.12.2008.

10.04.2019

An FIR bearing FIR No. 11 / 2019 was registered at P.S. Kuakonda, District - Dantewada (C.G.) under Section(s) 147, 148, 149, 302, 396, 307 & 120(B) of IPC, Section 25 & 27 of the Arms Act, Section 3 & 5 of the Explosive Substance Act and Section 13(1)(a), 38 & 39 of Unlawful Activities (Prevention) Act, 1967 relating to the death of BhimaMandavi(MLA) Dantewada alongwith four police personnel in a Naxal Attack.

16.05.2019

The Respondent No. 1 - Union of India,in exercise of power under Section 6(5) read with Section 8 of the NIA Act, passed an order directing the NIA i.e., Respondent No. 2 hereinto take up the investigation of the FIR No. 11 / 2019.

Date 30/7/2019

(SUDEEP AGARWAL)  
Counsel for Petitioner

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IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION [C] NO. \_\_\_\_\_ / 2019

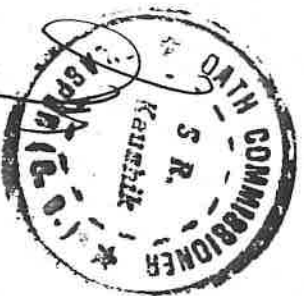
PETITIONER

Jhumar Oyami, S/o Bhima Oyami,  
aged about 48 years, R/o NH-23,  
Gayatapara, Keshapur, Dantewada,  
District-South Bastar Dantewada  
{(C.G.)

VERSUS

RESPONDENTS :

1. Union of India  
Through its Secretary  
Ministry of Home Affairs  
North Block, New Delhi - 110001
2. National Investigation Agency  
Through its Director General  
NIA Headquarters, CGO Complex  
Lodhi Road, New Delhi - 110003
3. State of Chhattisgarh  
Through Secretary,  
Department of Home  
Mahanadi Bhavan,  
Mantralaya, Naya Raipur
4. The Station House Officer [SHO]  
Police Station, Kuakonda,  
District – Dantewada,  
Chhattisgarh



(2)

**WRIT PETITION UNDER ARTICLE 226 / 227 OF THE CONSTITUTION**

**OF INDIA**

**1. PARTICULARS OF THE PETITIONER:**

Petitioner is a citizen of India and resident of State of Chhattisgarh whose brother was a Head Constable in the 9<sup>th</sup> battalion Security Force, Dantewada and was martyred in the untoward incident while working as security guard of the Member of Legislative Assembly, Dantewada.

**2. PARTICULARS OF THE RESPONDENTS:**

The Respondent No. 1 is Union of India through the Ministry of Home Affairs which is the superintending authority of the National Investigation Agency as per Section 4 (1) of the Act of 2008. The Respondent No. 2 is the Director General of the National Investigation Agency who is responsible for the administration of the agency. The Respondent No. 3 is State of Chhattisgarh represented through Home Department which is the nodal ministry having control and superintendence over the state police. The Respondent No. 4 is the Station House Officer, Police Station - Kuakonda which is seized of the investigation in the FIR bearing FIR No. 11 / 2019 registered at P.S. Kuakonda, Dantewada (C.G.), relating to the death of Bhima Mandavi (MLA) Dantewada along with four police personnel.



(3)

3. PARTICULARS OF THE CAUSE/ORDER AGAINST WHICH THE

PETITION IS BEING MADE AND THE SUBJECT MATTER IN

BRIEF:

By way of the present petition, the Petitioner herein is challenging the constitutional validity of the National Investigation Agency Act, 2008 on the ground that the same has been enacted beyond the legislative competence of the Parliament infringing the powers of the State as enshrined under the Constitution of India. Further the petition is against the provisions of National Investigating Agency Act, 2008 more particular section 6 to 10 whereby the State Government has been debarred from making investigation of any offence committed within its jurisdiction at the whims of the Central Government thereby usurping the exclusive powers of the State.

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4. WHETHER CAVEAT FILED, IF YES, WHETHER COPY OF THE

PETITION SUPPLIED TO THE CAVEATOR

No

5.

DETAILS OF THE REMEDIES EXHAUSTED

The Petitioner submits before this Hon'ble Court that there is no other remedy under the law except for approaching this Hon'ble Court under Article 226 / 227 of the Constitution of India.





(4)

**6. MATTER NOT PREVIOUSLY FILED OR PENDING**

The Petitioner declares that the subject matter raised in the present Writ Petition is not, previously filed or pending in any other court or Tribunals within the territorial jurisdiction of this Hon'ble Court.

**7. DELAY, IF ANY, IN FILING OF THE PETITION**

The Petitioner declares that there is no delay in filing of the present writ petition before this Hon'ble Court.

**8. FACTS OF THE CASE:**

6.1 The subject matter of the present petition relates to the constitutional validity and *vires* of the National Investigation Agency Act, 2008 [hereinafter referred to as the "NIA Act"] which was enacted by the Parliament in the year 2008 and was brought in effect on 31.12.2008. Copy of the NIA Act, 2008 is filed here as

**ANNEXURE P-1.**

6.2 The petitioner is resident of Dantewada and his brother was a member of security force posted in the 9<sup>th</sup> Battalion Security Force Dantewada who was martyred on 09.04.2019 in a bomb explosion in the convoy of Member of Legislative Assembly namely Bhima Mandavi. In the said incident an FIR bearing FIR No. 11 / 2019 was registered at P.S. Kuakonda, District - Dantewada (C.G.) for offences under Section(s) 147, 148, 149, 302, 396, 307 & 120(B)



(5)

of IPC, Section 25 & 27 of the Arms Act, Section 3 & 5 of the Explosive Substance Act and Section 13(1)(a), 38 & 39 of Unlawful Activities (Prevention) Act, 1967 relating to the death of BhimaMandavi(MLA) Dantewada alongwith four police personnel in a Naxal Attack including the brother of petitioner.

6.3 That the police authorities were conducting investigation in the matter however it has come to knowledge that the respondent Union of India had passed an order No. 11011/19/2019/NIA dated 16.05.2019 and respondent no.2 had taken up the matter for investigation without any reason whereas the State police was already performing their part and are well versed with the facts and situation of the State so as to efficiently and independently investigate the matter. The respondent no.2 having no authority to investigate over and above the state police have taken up the matter for investigation without even knowing the ground circumstances relevant for proper investigation of the matter.

Copy of the order dated 16.05.2019 is filed here as ANNEXURE P-2.

6.4 The Petitioner submits that the NIA Act *isultra vires* to the Constitution of India and is beyond the legislative competence of the Parliament since the NIA Act empowers the Central Government to create an agency for "investigation", which otherwise is being carried out through Police, which is a subject matter of the State under Entry - 2, List - II, Schedule 7.





(6)

6.5 The NIA Act, in its present form, not only takes away the power of conducting investigation by the State Government through Police but also confers huge discretionary and arbitrary powers on the Central Government without any rules governing the exercise of power which gives ample discretion to the Central Government to exercise its power at any point of time without providing any reason or justification for the same.

6.6 This scheme of NIA act is such that once brought in motion, it completely takes away the power of State to investigate offence [including the scheduled offence] which has been committed in the territorial jurisdiction of the State. The provisions of the act leave no room of coordination and pre-condition of consent, in any form whatsoever, by the Central government from the State government which clearly repudiates the idea of state sovereignty as envisaged under the Constitution of India.

6.7 The NIA Act, in its essence and spirit, is not only *ultra vires* to the Constitution of India but is also against the federal structure of our country wherein both Centre and State are considered to be independent in their respective jurisdiction.

6.8 It is submitted that "'Police" is a subject matter falling under Entry - 2, List - II i.e., State List in Schedule 7 and, as provided under the Code of Criminal Procedure, 1973, has the power to investigate offence(s). A holistic appreciation of the fact that "Police" was placed under List- II as the subject matter of State,

(7)

with power to investigate, and equally significant fact that no such entry of "Police" or even any incidental or ancillary entry was provided in List 1 i.e., Centre List suggests that the framing of a legislation such as NIA Act by the Parliament, which creates an "investigation" agency having overriding powers over the Police of a State, was never the intention of constitution framer.

6.9 It is submitted that the Parliament has acted beyond its legislative competence in framing and enacting the NIA Act and hence, the NIA Act is *ultra vires* to the Constitution of India. Moreover, the NIA Act, in its present form and content, not only confers unbridled, uncontrolled and uncanalised power on the Central Government to act arbitrarily and whimsically against the spirit of federal structure and sovereignty of State, but also tramples the purpose and significance of Entry - II, List - II of Schedule 7. Hence, the present petition is preferred before this Hon'ble Court on the following grounds:-

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9.

GROUND:

a) Because the NIA Act is unconstitutional and illegal inasmuch as the Union of India lacks legislative competence to enact the legislation on matters contained in List-II, the State List.

b) Because the legislative power to create a police agency by virtue of List-II of the VIIth Schedule of the Constitution of



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India vests exclusively with the State Governments and so far the NIA Act creates a police force at the central level which can investigate offences committed in the States, the same is manifestly unconstitutional making encroachment on the legislative powers of the State Governments.

c) BECAUSE the NIA Act is *ultra vires* to the Constitution of India, as much as, in pith and substance the NIA Act empowers the Central Government to create an agency for "investigation", which otherwise is being carried out through Police, which is a subject matter of the State under Entry - 2, List - II, Schedule 7, and therefore the Parliament lacks legislative competence to enact the legislation on matters contained in List-II.

d) BECAUSE the term "*investigation*" as defined under Section 2 (h) of the Code of Criminal Procedure, 1973 stipulates that "investigation includes all the proceedings under this Code *for the collection of evidence conducted by a police officer* or by any person (other than a Magistrate) who is authorised by a Magistrate in this behalf". Therefore, it clearly suggests that the National Investigation Agency, as created under the NIA Act, is nothing but a "National Police" for conducting investigation even though the subject matter of framing legislation relating to "Police" is clearly a State subject as per Entry 2, List II, Schedule 7 of the Constitution of India.



(3)

e) BECAUSE creation of NIA for investigation of scheduled offences is nothing but enacting a law for creating a national police having the overriding authority over State Police in incidents occurring in a particular State(s) involving scheduled offence which otherwise is investigated by State Police.

f) BECAUSE the term "investigation" arising out of "Central Bureau of Intelligence and Investigation" as provided in Entry 8, List - 1, Schedule 7 was discussed in the Constituent Assembly debates, dated 29-08-1949, wherein Dr. B.R. Ambedkar had stated and clarified that:

"The point of the matter is, the word "investigation" here does not permit and will not permit the making of an investigation into a crime because that matter under the Criminal Procedure Code is left exclusively to a police officer. Police is exclusively a State subject; it has no place in the Union List. The word "investigation" therefore is intended to cover general enquiry for the purpose of finding out what is going on. This investigation is not investigation preparatory to the filing of a charge against an offender which only a police officer under the Criminal Procedure Code can do."

(emphasis supplied)

g) BECAUSE by no stretch of imagination, it can be said that the NIA Act is within the legislative competence of the Parliament and no assistance can be derived from Entry-8 of List-I which



is entitled as Central Bureau of Intelligence and Investigation, for the simple Reason that there is already a Central Bureau of Investigation (CBI) and also an Intelligence Bureau (IB). Suffice it to say that by creating a National Investigation Agency, the power and purpose of "Police" under List - II of Schedule 7 is rendered a nullity and a "national police" agency is created in the form of NIA with overarching power under the NIA Act, is in complete usurpation of the Entry-2 of List II.

h) BECAUSE Section 6(5) & 6(6) of the NIA Act is *ultra vires* to the Constitution and is arbitrary for it confers unbridled, uncontrolled and uncanalised powers on the Central Government to take over the investigation from the State Police at any point of time and at any stage without being subject to any procedure, governed by any rules, and without affording any reason whatsoever.

i) BECAUSE by virtue of the language of Section 6 (4), 6(6) of the NIA Act, the mandate of Section 7, 8 and 10 of the NIA Act is also contrary to the constitutional scheme of distribution of power, as enumerated under Schedule 7, since the matters arising within the territorial jurisdiction of any State which are generally investigated by Police, has been taken away and the meaning and purpose of Entry - II, List- II of Schedule 7 has been rendered otiose.





j) BECAUSE Section 10 of the NIA Act is clearly *ultra vires* to the Constitution of India since with the power conferred on the Central Government by virtue of Section 6(4) & 6(6) of NIA Act the purpose and intention of Section 10 is insignificant.

k) Because the NIA Act is not a part of the Code of Criminal Procedure, 1973 and having regard to the scheme of the Code of Criminal Procedure, 1973 the same is invalid.

l) Because the NIA Act sets up a police force which is evident from Entry-2 of the State List and sub-section (1) of Section 3 of the NIA Act, 2008 which nothing but an establishment of another police force transgressing the powers of the State to legislate.

m) Because the Police Act, 1861 is an Act for the regulation of police where under Section 2 the entire Police Department under the State Government be deemed to be one police force for the purpose of the Police Act, 1861 and is to be constituted in such manner as from time to time be ordered by the State Government. Under the scheme of the Act the State Government was designated as a supervising or controlling authority of the police force. As per the provisions of Code of Criminal Procedure only the Police is authorized to investigate and as the power to legislate with respect to Police vests exclusive with the State Government, the enactment NIA Act itself becomes *ultra vires*.





n) BECAUSE the combined reading of Section 6(4), 6(6), 7, 8 and Section 10 of the NIA Act dissolves the constitutional setup of division of powers since "Police" is completely a domain / subject matter of State under List - II of Schedule 7 and by taking away the power of investigation from the State Police or conferring discretion on the Central Government, whether to allow the State Police to investigate or not, as Section 10 suggest, is clearly a breach of the division of power model setup by the Constitution.

o) BECAUSE there is no entry, much less any incidental or ancillary entry, under List - I of Schedule 7 to suggest that the intention of constitution framers was to allow any transgression of power by Central Government insofar as the subject matter of Entry 2 i.e., Police is concerned.

p) BECAUSE encroaching upon the subject matter of the State i.e., Police as provided in Entry 2, List - II of Schedule 7 on the ground of controlling the terrorism related incident which has inter-state and international linkages is highly misplaced and irrational since under the Police Act, 1861, the Code of Criminal Procedure, 1973, Indian Penal Code, 1860 there are enough powers conferred on the State Police to act upon cases of terrorism or inter-state crimes including left wing extremism cases.



q) BECAUSE it is a settled position of constitutional law as held by the Hon'ble Supreme Court in ***KeshvanandaBharti v. State of Kerala [1973 4 SCC 225]*** that Federalism is a basic structure of our Indian Constitution.

r) BECAUSE the provisions of the NIA Act, 2008, in particular Section 6 and 7 of the Act, not only defies the spirit of federalism but is also not harmonious to the principle of collaborative federalism which prescribes that the Union and the State Governments should always work in harmony avoiding constitutional discord.

s) BECAUSE the Hon'ble Supreme Court in the case of ***S.R. Bommai v. Union of India [1994] 3 SCC 1*** has observed that the Union and the States, both are creature of constitution and have an independent constitutional existence under our constitutional framework. The States are neither satellites nor agents of the centre.

t) BECAUSE in the case of ***S.R. Bommai*** the Hon'ble Supreme Court also held that under the scheme of our Constitution, greater power is conferred upon the Centre vis-à-vis the States does not mean that States are mere appendages of the Centre.

Within the sphere allotted to them, States are supreme. The Centre cannot tamper with their powers. More particular, the Courts should not adopt an approach, an interpretation, which has the effect of or tends to have the effect of whittling down the



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powers reserved to the States. It is a matter of common knowledge that over the last several decades, the trend the world over is towards strengthening of Central Governments – be it result of advances in technological / scientific fields or otherwise, and that even in USA the centre has become far more powerful notwithstanding the obvious bias in that constitution in favor of the States. All this must put the court on guard against any conscious whittling down of the powers of the States.

(emphasis supplied)

u) BECAUSE merely that Section 6 of the Act of 2008 can be administered / applied in a reasonable manner or the exercise of power under Section 6 of the Act can always be subjected to judicial review, cannot in itself be a ground to assume that the provision is valid and the same may not be tested on the touchstone of legislative competence or on the larger background of constitutional validity.

v) BECAUSE the Hon'ble Supreme Court in *Collector of Customs v. Nathella Sampathu Chetty* [AIR 1962 SC 316] in para 34 held that:

"Para 34 .....

The possibility of abuse of a statute otherwise valid does not impart to it any element of invalidity. The converse must also follow that a statute which is otherwise invalid as being unreasonable cannot be saved by its being



administered in a reasonable manner. The constitutional validity of the statute would have to be determined on the basis of its provisions and on the ambit of its operation as reasonably construed. If so judged it passes the test of reasonableness, possibility of the powers conferred being improperly used is no ground for pronouncing the law itself invalid and similarly if the law properly interpreted and tested in the light of the requirements set out in Part III of the Constitution does not pass the test it cannot be pronounced valid merely because it is administered in a manner which might not conflict with the constitutional requirements. In saying this we are not to be understood as laying down that a law which might operate, harshly but still be constitutionally valid should be operated always with harshness or that reasonableness and justness ought not to guide the actual administration of such laws."

(emphasis supplied)

w) BECAUSE the Hon'ble Supreme Court in the case of ***ShreyasSinghal v. Union of India*** [2015 5 SCC 1] held that:

"Para 96. In this case, it is the converse proposition which would really apply if the learned Additional Solicitor General's argument is to be accepted. If Section 66-A is otherwise invalid, it cannot be saved by an





assurance from the learned Additional Solicitor General that it will be administered in a reasonable manner. Governments may come and Governments may go but Section 66-A goes on forever. An assurance from the present Government even if carried out faithfully would not bind any successor Government. It must, therefore, be held that Section 66-A must be judged on its own merits without any reference to how well it may be administered."

(emphasis supplied)

x) BECAUSE the Hon'ble Supreme Court in ***Bhavesh Jayantilal Lakhani v. State of Maharashtra***, (2009) 9

SCC 551 while examining the jurisdiction of Central Bureau of Investigation within the territorial limits of the State, held that:

**"Para 95.** The police power of the State in respect of any offence committed in a State comes within the legislative competence of the State. The State may exercise some extraterritorial jurisdiction only if a part of the offence is committed in the State and the other part in another State or some other States. In such an event the State before an investigation to that part of the offence which has been committed in any (sic other) State may have to proceed with the consent of the State concerned or must work with the police of the other State. Its jurisdiction



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over the investigation into a matter is limited. Keeping in view the various entries contained in List I of the Seventh Schedule to the Constitution, there cannot be any doubt whatsoever that in the matter of investigation of the matter (sic offence) committed in a State, the jurisdiction of the Central Government is excluded.

(emphasis supplied)

y) BECAUSE the enactment of NIA Act by the parliament and creation of an “investigative” agency namely the National Investigation Agency, for investigating the scheduled offences committed in any particular State, is clearly an act of colourable legislation since by way of the said Act, the Parliament has effectively created a “National Police” which, in cases of investigation of scheduled offences, will have overriding control over the State Police and its investigation which is contrary to the scheme and intention of Distribution of Power as provided in Schedule – 7 of the Constitution of India.

z) BECAUSE the Hon'ble Supreme Court in from **Sri Sri Sri K.C. Gajapati Narayan Deo v. State of Orissa**, AIR 1953 SC 375 has held that:

“**Para 9.** It may be made clear at the outset that the doctrine of colourable legislation does not involve any question of bona fides or mala fides on the part of the legislature. The





whole doctrine resolves itself into the question of competency of a particular legislature to enact a particular law. If the legislature is competent to pass a particular law, the motives which impelled it to act are really irrelevant. On the other hand, if the legislature lacks competency, the question of motive does not arise at all. Whether a statute is constitutional or not is thus always a question of power

[Vide Cooley's Constitutional Limitations, Vol 1 p 379] . A distinction, however, exists between a legislature which is legally omnipotent like the British Parliament and the laws promulgated by it which could not be challenged on the ground of incompetence, and a legislature which enjoys only a limited or a qualified jurisdiction. If the Constitution of a State distributes the legislative powers amongst different bodies, which have to act within their respective spheres marked out by specific legislative entries, or if there are limitations on the legislative authority in the shape of fundamental rights, questions do arise as to whether the legislature in a particular case has or has not, in respect to the subject-matter of the statute or in the method of enacting it, transgressed the limits of its constitutional powers. Such transgression may be patent, manifest or direct, but it may also be disguised, covert and indirect and it is to this latter class of cases that the expression "colourable legislation" has



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*been applied in certain judicial pronouncements. The idea conveyed by the expression is that although apparently a legislature in passing a statute purported to act within the limits of its powers, yet in substance and in reality it transgressed these powers, the transgression being veiled by what appears, on proper examination, to be a mere pretence or disguise. As was said by Duff, J. in Attorney-General for Ontario v. Reciprocal Insurers [1924 AC 328 at 337] : .....*

(emphasis supplied)

**10. RELIEF(S) PRAYED FOR:**

In the aforesaid facts and circumstances it is most respectfully prayed that this Hon'ble Court may be pleased to:

a) Declare that the National Investigation Agency Act, 2008 is unconstitutional and *ultra vires*, by issuing a writ of mandamus or by issuing any other appropriate writ or order under Article 226/227 of the Constitution of India;

b) IN THE ALTERNATIVE, declare Section 6, 7, 8& 10 of the NIA Act, 2008 as being *ultra vires* to the Constitution of India by issuing a writ of mandamus or by issuing any other appropriate writ or order under Article 226/227 of the Constitution of India;

c) IN THE ALTERNATIVE, issue a writ of certiorari or any other appropriate writ or order quashing / setting aside the Order

No. 11011/19/2019/NIA dated 16.05.2019 issued by the



Respondent No. 1 suomtu transferring the investigation regarding FIR No. 11 / 2019 dated 10.04.2019 at P.S. Kuakonda, District - Dantewada, Chhattisgarh;

d) IN THE ALTERNATIVE, issue a writ of mandamus or any other appropriate writ or order restraining the Respondent No.2 / NIA from exercising any power in pursuance of the NIA Act for doing "fresh" or "further" investigation of FIR No. 11 / 2019 dated 10.04.2019 at P.S. Kuakonda, District - Dantewada, Chhattisgarh;"

e) IN THE ALTERNATIVE, issue a writ of mandamus or any other appropriate writ or order directing the Respondent No. 1 to frame appropriate rules / guidelines, in exercise of power conferred under Section 25 (1) of the NIA Act, for exercise of powers under Section 6 (4) & 6 (5) of the NIA Act, 2008.

f) IN THE ALTERNATIVE, issue a writ of mandamus or any other appropriate writ or order directing the Respondent No. 1 to frame appropriate rules / guidelines regulating the procedure for transfer of cases to Respondent No. 2 / NIA wherein substantial progress has already been made the State Police;

g) IN THE ALTERNATIVE, issue a writ of mandamus directing the Respondent No. 1 to frame appropriate guidelines for exercise of powers vis-à-vis transfer of investigation to the State Government or its Investigating Agency in cases where new facts and facets emerge and which have not been investigated /

(21)

looked into by the Respondent No. 2 during the course of its investigation under Section 6 of the NIA Act;

h) Pass any other order that this court may deem fit in the facts and circumstances of the case.

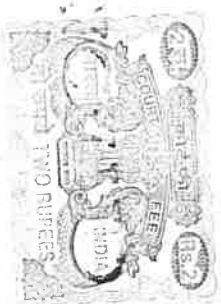
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Date 30/7/2013

( SUDEEP AGRAWAL )  
Counsel for Petitioner







IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION (C) NO. \_\_\_\_\_/2019

PETITIONER

Jhumar Oyami,

*VERSUS*

RESPONDENTS

Union of India & Ors.

AFFIDAVIT

I, Jhumar Oyami, S/o Bhima Oyami, aged about 48 years, R/o NH-23, Gayatapara, Keshapur, Dantewada, District-South Bastar Dantewada (C.G.) do hereby solemnly affirm and state on oath as under :

1. That, I am the petitioner in the instant writ petition and as such am fully conversant with the facts and circumstances of the case.
2. That, the attached writ petition has been drafted by my counsel as per my instruction and all the contents of the same from Para 1 to 10 are true and correct to the best of my personal knowledge and belief and have been explained to me in hindi.



VERIFICATION

I, Jhumar Oyami, the deponent, do hereby verify that the contents of the above Para 1 and 2 are true to my personal knowledge and belief.

Verified and signed by me on 30/07/2019 at Bilaspur.

9/3/19

DEPONENT

(b2)

ANNEXURE 8/L

# THE NATIONAL INVESTIGATION AGENCY ACT, 2008

## ARRANGEMENT OF SECTIONS

### CHAPTER I

#### PRELIMINARY

#### SECTIONS

1. Short title, extent and application.
2. Definitions.

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4. Superintendence of National Investigation Agency.
5. Manner of constitution of Agency and conditions of service of members.

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7. Power to transfer investigation to State Government.
8. Power to investigate connected offences.
9. State Government to extend assistance to National Investigation Agency.
10. Power of State Government to investigate Scheduled Offences.

### CHAPTER IV

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21. Appeals.
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SECTIONS

- 23. Power of High Courts to make rules.
  - 24. Power to remove difficulties.
  - 25. Power to make rules.
  - 26. Laying of rules.
- THE SCHEDULE.

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THE NATIONAL INVESTIGATION AGENCY ACT, 2008

ACT NO. 34 OF 2008

[31st December, 2008.]

An Act to constitute an investigation agency at the national level to investigate and prosecute offences affecting the sovereignty, security and integrity of India, security of State, friendly relations with foreign States and offences under Acts enacted to implement international treaties, agreements, conventions and resolutions of the United Nations, its agencies and other international organisations and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Fifty-ninth Year of the Republic of India as follows:—

CHAPTER I  
PRELIMINARY

**1. Short title, extent and application.**—(1) This Act may be called the National Investigation Agency Act, 2008.

(2) It extends to the whole of India and it applies also—

- (a) to citizens of India outside India;
- (b) to persons in the service of the Government wherever they may be; and
- (c) to persons on ships and aircrafts registered in India wherever they may be.

**2. Definitions.**—(1) In this Act, unless the context otherwise requires,—

- (a) “Agency” means the National Investigation Agency constituted under section 3;
- (b) “Code” means the Code of Criminal Procedure 1973 (2 of 1974);
- (c) “High Court” means the High Court within whose jurisdiction the Special Court is situated;
- (d) “prescribed” means prescribed by rules;
- (e) “Public Prosecutor” means a Public Prosecutor or an Additional Public Prosecutor or a Special Public Prosecutor appointed under section 15;

(f) “Schedule” means the Schedule to this Act;

(g) “Scheduled Offence” means an offence specified in the Schedule;

(h) “Special Court” means a Special Court constituted under section 11 or, as the case may be, under section 22;

(i) words and expressions used but not defined in this Act and defined in the Code shall have the meanings respectively assigned to them in the Code.

(2) Any reference in this Act to any enactment or any provision thereof shall, in relation to an area in which such enactment or such provision is not in force, be construed as a reference to the corresponding law or the relevant provision of the corresponding law, if any, in force in that area.

CHAPTER II

NATIONAL INVESTIGATION AGENCY

**3. Constitution of National Investigation Agency.**—(1) Notwithstanding anything in the Police Act, 1861 (5 of 1861), the Central Government may constitute a special agency to be called the National Investigation Agency for investigation and prosecution of offences under the Acts specified in the Schedule.

(2) Subject to any orders which the Central Government may make in this behalf, officers of the Agency shall have throughout India in relation to the investigation of Scheduled Offences and arrest of persons concerned in such offences, all the powers, duties, privileges and liabilities which police officers have in connection with the investigation of offences committed therein.

(3) Any officer of the Agency of, or above, the rank of Sub-Inspector may, subject to any orders which the Central Government may make in this behalf, exercise throughout India, any of the powers of the officer-in-charge of a police station in the area in which he is present for the time being and when so exercising such powers shall, subject to any such orders as aforesaid, be deemed to be an officer-in-charge of a police station discharging the functions of such an officer within the limits of his station.

**4. Superintendence of National Investigation Agency.**—(1) The superintendence of the Agency shall vest in the Central Government.

(2) The administration of the Agency shall vest in an officer designated as the Director-General appointed in this behalf by the Central Government who shall exercise in respect of the Agency such of the powers exercisable by a Director-General of Police in respect of the police force in a State, as the Central Government may specify in this behalf.

**5. Manner of constitution of Agency and conditions of service of members.**—Subject to the provisions of this Act, the Agency shall be constituted in such manner as may be prescribed and the conditions of service of persons employed in the Agency shall be such as may be prescribed.

### CHAPTER III

#### INVESTIGATION BY THE NATIONAL INVESTIGATION AGENCY

**6. Investigation of Scheduled Offences.**—(1) On receipt of information and recording thereof under section 154 of the Code relating to any Scheduled Offence the officer-in-charge of the police station shall forward the report to the State Government forthwith.

(2) On receipt of the report under sub-section (1), the State Government shall forward the report to the Central Government as expeditiously as possible.

(3) On receipt of report from the State Government, the Central Government shall determine on the basis of information made available by the State Government or received from other sources, within fifteen days from the date of receipt of the report, whether the offence is a Scheduled Offence or not and also whether, having regard to the gravity of the offence and other relevant factors, it is a fit case to be investigated by the Agency.

(4) Where the Central Government is of the opinion that the offence is a Scheduled Offence and it is a fit case to be investigated by the Agency, it shall direct the Agency to investigate the said offence.

(5) Notwithstanding anything contained in this section, if the Central Government is of the opinion that a Scheduled Offence has been committed which is required to be investigated under this Act, it may, *suo motu*, direct the Agency to investigate the said offence.

(6) Where any direction has been given under sub-section (4) or sub-section (5), the State Government and any police officer of the State Government investigating the offence shall not proceed with the investigation and shall forthwith transmit the relevant documents and records to the Agency.

(7) For the removal of doubts, it is hereby declared that till the Agency takes up the investigation of the case, it shall be the duty of the officer-in-charge of the police station to continue the investigation.

**7. Power to transfer investigation to State Government.**—While investigating any offence under this Act, the Agency, having regard to the gravity of the offence and other relevant factors, may—

(a) if it is expedient to do so, request the State Government to associate itself with the investigation; or

(b) with the previous approval of the Central Government, transfer the case to the State Government for investigation and trial of the offence.



**8. Power to investigate connected offences.**—While investigating any Scheduled Offence, the Agency may also investigate any other offence which the accused is alleged to have committed if the offence is connected with the Scheduled Offence.

**9. State Government to extend assistance to National Investigation Agency.**—The State Government shall extend all assistance and co-operation to the Agency for investigation of the Scheduled Offences.

**10. Power of State Government to investigate Scheduled Offences.**—Save as otherwise provided in this Act, nothing contained in this Act shall affect the powers of the State Government to investigate and prosecute any Scheduled Offence or other offences under any law for the time being in force.

#### CHAPTER IV

#### SPECIAL COURTS

**11. Power of Central Government to constitute Special Courts.**—(1) The Central Government shall, by notification in the Official Gazette, for the trial of Scheduled Offences, constitute one or more Special Courts for such area or areas, or for such case or class or group of cases, as may be specified in the notification.

(2) Where any question arises as to the jurisdiction of any Special Court, it shall be referred to the Central Government whose decision in the matter shall be final.

(3) A Special Court shall be presided over by a judge to be appointed by the Central Government on the recommendation of the Chief Justice of the High Court.

(4) The Agency may make an application to the Chief Justice of the High Court for appointment of a Judge to preside over the Special Court.

(5) On receipt of an application under sub-section (4), the Chief Justice shall, as soon as possible and not later than seven days, recommend the name of a judge for being appointed to preside over the Special Court.

(6) The Central Government may, if required, appoint an additional judge or additional judges to the Special Court, on the recommendation of the Chief Justice of the High Court.

(7) A person shall not be qualified for appointment as a judge or an additional judge of a Special Court unless he is, immediately before such appointment, a Sessions Judge or an Additional Sessions Judge in any State.

(8) For the removal of doubts, it is hereby provided that the attainment, by a person appointed as a judge or an additional judge of a Special Court, of the age of superannuation under the rules applicable to him in the service to which he belongs shall not affect his continuance as such judge or additional judge and the Central Government may by order direct that he shall continue as judge until a specified date or until completion of the trial of the case or cases before him as may be specified in that order.

(9) Where any additional judge or additional judges is or are appointed in a Special Court, the judge of the Special Court may, from time to time, by general or special order, in writing, provide for the distribution of business of the Special Court among all judges including himself and the additional judge or additional judges and also for the disposal of urgent business in the event of his absence or the absence of any additional judge.

**12. Place of sitting.**—A Special Court may, on its own motion, or on an application made by the Public Prosecutor and if it considers it expedient or desirable so to do, sit for any of its proceedings at any place other than its ordinary place of sitting.

**13. Jurisdiction of Special Courts.**—(1) Notwithstanding anything contained in the Code, every Scheduled Offence investigated by the Agency shall be tried only by the Special Court within whose local jurisdiction it was committed.

(2) If, having regard to the exigencies of the situation prevailing in a State if,—

- (a) it is not possible to have a fair, impartial or speedy trial; or
- (b) it is not feasible to have the trial without occasioning the breach of peace or grave risk to the safety of the accused, the witnesses, the Public Prosecutor or a judge of the Special Court or any of them; or
- (c) it is not otherwise in the interests of justice,

the Supreme Court may transfer any case pending before a Special Court to any other Special Court within that State or in any other State and the High Court may transfer any case pending before a Special Court situated in that State to any other Special Court within the State.

(3) The Supreme Court or the High Court, as the case may be, may act under this section either on the application of the Central Government or a party interested and any such application shall be made by motion, which shall, except when the applicant is the Attorney-General for India, be supported by an affidavit or affirmation.

**14. Powers of Special Courts with respect to other offences.**—(1) When trying any offence, a Special Court may also try any other offence with which the accused may, under the Code be charged, at the same trial if the offence is connected with such other offence.

(2) If, in the course of any trial under this Act of any offence, it is found that the accused person has committed any other offence under this Act or under any other law, the Special Court may convict such person of such other offence and pass any sentence or award punishment authorised by this Act or, as the case may be, under such other law.

**15. Public Prosecutors.**—(1) The Central Government shall appoint a person to be the Public Prosecutor and may appoint one or more persons to be the Additional Public Prosecutor or Additional Public Prosecutors:

Provided that the Central Government may also appoint for any case or class or group of cases a Special Public Prosecutor.

(2) A person shall not be qualified to be appointed as a Public Prosecutor or an Additional Public Prosecutor or a Special Public Prosecutor under this section unless he has been in practice as an Advocate for not less than seven years or has held any post, for a period of not less than seven years, under the Union or a State, requiring special knowledge of law.

(3) Every person appointed as a Public Prosecutor or an Additional Public Prosecutor or a Special Public Prosecutor under this section shall be deemed to be a Public Prosecutor within the meaning of clause (u) of section 2 of the Code, and the provisions of the Code shall have effect accordingly.

**16. Procedure and powers of Special Courts.**—(1) A Special Court may take cognizance of any offence, without the accused being committed to it for trial, upon receiving a complaint of facts that constitute such offence or upon a police report of such facts.

(2) Where an offence triable by a Special Court is punishable with imprisonment for a term not exceeding three years or with fine or with both, the Special Court may, notwithstanding anything contained in sub-section (1) of section 260 or section 262 of the Code, try the offence in a summary way in accordance with the procedure prescribed in the Code and the provisions of sections 263 to 265 of the Code shall, so far as may be, apply to such trial.

Provided that when, in the course of a summary trial under this sub-section, it appears to the Special Court that the nature of the case is such that it is not desirable to try it in a summary way, the Special Court shall recall any witnesses who may have been examined and proceed to re-hear the case in the manner provided by the provisions of the Code for the trial of such offence and the said provisions shall apply to, and in relation to, a Special Court as they apply to and in relation to a Magistrate:



Provided further that in the case of any conviction in a summary trial under this section, it shall be lawful for a Special Court to pass a sentence of imprisonment for a term not exceeding one year and with fine which may extend to five lakh rupees.

(3) Subject to the other provisions of this Act, a Special Court shall, for the purpose of trial of any offence, have all the powers of a Court of Session and shall try such offence as if it were a Court of Session so far as may be in accordance with the procedure prescribed in the Code for the trial before a Court of Session.

(4) Subject to the other provisions of this Act, every case transferred to a Special Court under sub-section (2) of section 13 shall be dealt with as if such case had been transferred under section 406 of the Code to such Special Court.

(5) Notwithstanding anything contained in the Code, but subject to the provisions of section 299 of the Code, a Special Court may, if it thinks fit and for reasons to be recorded by it, proceed with the trial in the absence of the accused or his pleader and record the evidence of any witness, subject to the right of the accused to recall the witness for cross-examination.

**17. Protection of witnesses.**—(1) Notwithstanding anything contained in the Code, the proceedings under this Act may, for reasons to be recorded in writing, be held *in camera* if the Special Court so desires.

(2) On an application made by a witness in any proceeding before it or by the Public Prosecutor in relation to such witness or on its own motion, if the Special Court is satisfied that the life of such witness is in danger, it may, for reasons to be recorded in writing, take such measures as it deems fit for keeping the identity and address of such witness secret.

(3) In particular, and without prejudice to the generality of the provisions of sub-section (2), the measures which a Special Court may take under that sub-section may include—

- (a) the holding of the proceedings at a place to be decided by the Special Court;
- (b) the avoiding of the mention of the names and addresses of the witnesses in its orders or judgments or in any records of the case accessible to public;
- (c) the issuing of any directions for securing that the identity and address of the witnesses are not disclosed; and
- (d) a decision that it is in the public interest to order that all or any of the proceedings pending before such a Court shall not be published in any manner.

(4) Any person who contravenes any decision or direction issued under sub-section (3) shall be punishable with imprisonment for a term which may extend to three years and with fine which may extend to one thousand rupees.

**18. Sanction for prosecution.**—No prosecution, suit or other legal proceedings shall be instituted in any court of law, except with the previous sanction of the Central Government, against any member of the Agency or any person acting on his behalf in respect of anything done or purported to be done in exercise of the powers conferred by this Act.

**19. Trial by Special Court to have precedence.**—The trial under this Act of any offence by a Special Court shall be held on day-to-day basis on all working days and have precedence over the trial of any other case against the accused in any other court (not being a Special Court) and shall be concluded in preference to the trial of such other case and accordingly the trial of such other case shall, if necessary, remain in abeyance.

**20. Power to transfer cases to regular courts.**—Where, after taking cognizance of any offence, a Special Court is of the opinion that the offence is not triable by it, it shall, notwithstanding that it has no jurisdiction to try such offence, transfer the case for the trial of such offence to any court having jurisdiction under the Code and the Court to which the case is transferred may proceed with the trial of the offence as if it had taken cognizance of the offence.



**21. Appeals.**—(1) Notwithstanding anything contained in the Code, an appeal shall lie from any judgment, sentence or order, not being an interlocutory order, of a Special Court to the High Court both on facts and on law.

(2) Every appeal under sub-section (1) shall be heard by a bench of two Judges of the High Court and shall, as far as possible, be disposed of within a period of three months from the date of admission of the appeal.

(3) Except as aforesaid, no appeal or revision shall lie to any court from any judgment, sentence or order including an interlocutory order of a Special Court.

(4) Notwithstanding anything contained in sub-section (3) of section 378 of the Code, an appeal shall lie to the High Court against an order of the Special Court granting or refusing bail.

(5) Every appeal under this section shall be preferred within a period of thirty days from the date of the judgment, sentence or order appealed from:

Provided that the High Court may entertain an appeal after the expiry of the said period of thirty days if it is satisfied that the appellant had sufficient cause for not preferring the appeal within the period of thirty days:

Provided further that no appeal shall be entertained after the expiry of period of ninety days.

**22. Power of State Government to constitute Special Courts.**—(1) The State Government may constitute one or more Special Courts for the trial of offences under any or all the enactments specified in the Schedule.

(2) The provisions of this Chapter shall apply to the Special Courts constituted by the State Government under sub-section (1) and shall have effect subject to the following modifications, namely—

(i) references to “Central Government” in sections 11 and 15 shall be construed as references to State Government;

(ii) reference to “Agency” in sub-section (1) of section 13 shall be construed as a reference to the “investigation agency of the State Government”;

(iii) reference to “Attorney-General for India” in sub-section (3) of section 13 shall be construed as reference to “Advocate-General of the State”.

(3) The jurisdiction conferred by this Act on a Special Court shall, until a Special Court is constituted by the State Government under sub-section (1) in the case of any offence punishable under this Act, notwithstanding anything contained in the Code, be exercised by the Court of Session of the division in which such offence has been committed and it shall have all the powers and follow the procedure provided under this Chapter.

(4) On and from the date when the Special Court is constituted by the State Government the trial of any offence investigated by the State Government under the provisions of this Act, which would have been required to be held before the Special Court, shall stand transferred to that Court on the date on which it is constituted.

## CHAPTER V

### MISCELLANEOUS

**23. Power of High Courts to make rules.**—The High Court may, by notification in the Official Gazette, make such rules, as it may deem necessary for carrying out the provisions of this Act relating to Special Courts within its territory.

**24. Power to remove difficulties.**—(1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette make such provisions, not inconsistent with the provisions of this Act, as may appear to it to be necessary or expedient for removing the difficulty:

Provided that no order shall be made, under this section after the expiration of two years from the commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

**25. Power to make rules.**—(1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

(2) In particular, and without prejudice to the generality to the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the manner of constitution of the Agency and the conditions of service of persons employed in the Agency under section 5;

(b) any other matter which is required to be, or may be, prescribed.

**26. Laying of rules.**—Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

## THE SCHEDULE

[See section 2(1) (n)]

1. The Atomic Energy Act, 1962 (33 of 1962);
2. The Unlawful Activities (Prevention) Act, 1967 (37 of 1967);
3. The Anti-Hijacking Act, 1982 (65 of 1982);
4. The Suppression of Unlawful Acts against Safety of Civil Aviation Act, 1982 (66 of 1982);
5. The SAARC Convention (Suppression of Terrorism) Act, 1993 (36 of 1993);
6. The Suppression of Unlawful Acts Against Safety of Maritime Navigation and Fixed Platforms on Continental Shelf Act, 2002 (69 of 2002);
7. The Weapons of Mass Destruction and their Delivery Systems (Prohibition of Unlawful Activities) Act, 2005 (21 of 2005);

8. Offences under—

- (a) Chapter VI of the Indian Penal Code (45 of 1860) [sections 121 to 130 (both inclusive)];
- (b) Sections 489-A to 489-E (both inclusive) of the Indian Penal Code (45 of 1860).



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No. 1101110/2019/11  
Government of India  
Ministry of Home Affairs  
CGO Building

ANNEXURE P/2

North Block, New Delhi  
Dated the 16<sup>th</sup> May, 2019

(0111)

Whereas, the Central Government has received information regarding registration of FIR No. 11/2019 dated 10.04.2019 at Police Station Bhabha District Courtwards, Chhatbisgarh under sections 147, 148, 149, 302, 303, 304, 120 of the Indian Penal Code, sections 25 & 27 of Arms Act, sections 3 & 4 of Explosive Substances Act and sections 131(a), 38(1), 39(1) of the Unlawful Activities (Prevention) Act, 1957 relating to an IED blast which occurred on 09.04.2019, under the bullet proof vehicle of Sh. Bhagwan Mandavi (MLA) followed by indiscriminate firing by members of CPI (Maoist) on the convey which led to death of Sh. Bhagwan Mandavi along with four police personnel.

And whereas, the Central Government is of the opinion that Scheduled Offence under National Investigation Agency Act, 2008 has been committed and having regard to the gravity of the offence, it is required to be investigated by the National Investigation Agency in accordance with the National Investigation Agency Act, 2008.

Now, therefore, in exercise of the power conferred under sub-section (5) of section 6 read with section 8 of the National Investigation Agency Act, 2008, the Central Government hereby directs the National Investigation Agency to take up investigation of the aforesaid case

(Dharmender Kumar)

Under Secretary to the Government of India

The Director General, National Investigation Agency, CGO Complex, Lodhi Road,  
New Delhi

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12/5/19



(34)

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

I.A. NO. / 2019

IN

WRIT PETITION (C) NO. \_\_\_\_/2019

PETITIONER

Jhumar Oyami,

VERSUS

RESPONDENTS

Union of India & Ors.

APPLICATION FOR INTERIM RELIEF

The petitioner humbly submits as under:-

1. The subject matter of the present petition relates to the constitutional validity and *vires* of the National Investigation Agency Act, 2008 [hereinafter referred to as the "NIA Act"] which was enacted by the Parliament in the year 2008 and was brought in effect on 31.12.2008.
2. It is submitted that the grounds raised in the present petition may kindly be read and considered as a part and parcel of the present application seeking grant of interim relief and therefore the same is not reproduced herein for the sake of brevity and prolixity.
3. It is submitted that, by way of the present petition, the petitioner has challenged the constitutional validity of the National Investigation Agency Act, 2008 and has prayed that





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the said Act, in its present form and content, may be declared as *ultra vires* to the Constitution of India.

4. It is respectfully submitted that till the time this Hon'ble Court decides upon the validity of the National Investigation Agency Act, 2008, this Hon'ble Court may grant an ad-interim stay of the operation of Order No. 11011/19/2019/NIA dated 16.05.2019 issued by the Respondent No. 1 whereby the Respondent, in purported exercise of power under Section 6(5) of the NIA Act, has *suomotu* transferred the investigation of FIR No. 11 / 2019 dated 10.04.2019 at P.S. Kuakonda, District - Dantewada, Chhattisgarh to Respondent No. 2.

5. It is submitted that serious prejudice will be caused to the Petitioner having irreparable consequence in case the interim relief, as prayed for, is not granted. It is submitted that the balance of convenience lies in favor of the petitioner.

PRAYER

It is therefore humbly prayed that:-

- i. This Hon'ble Court may kindly be pleased to allow the present application seeking ad-interim relief and stay the operation of Order No. 11011/19/2019/NIA dated 16.05.2019 issued by the Respondent No. 1 whereby the Respondent has *suomotu* transferred the investigation of FIR No. 11 / 2019 dated 10.04.2019 at P.S. Kuakonda, District - Dantewada, Chhattisgarh to Respondent No. 2;



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11. Pass any other order that this court may deem fit in the facts and circumstances of the case.

Date

(SUDDEEP AGRAWAL)  
Counsel for Petitioner



(37)

CANCELLED  
FEE  
TWO RUPEES

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION (C) NO. \_\_\_\_\_/2019

PETITIONER

Jhumar Oyami,

VERSUS

RESPONDENTS

Union of India & Ors.

AFFIDAVIT

I, Jhumar Oyami, S/o Bhima Oyami, aged about 48 years, R/o NH-23, Gayatapara, Keshapur, Dantewada, District-South Bastar Dantewada (C.G.) do hereby solemnly affirm and state on oath as under :

1. That, I am the petitioner in the instant writ petition and as such am fully conversant with the facts and circumstances of the case.
2. That, the attached application for interim relief has been drafted by my counsel as per my instruction and all the contents of the same from Para 1 to 5 are true and correct to the best of my personal knowledge and belief and have been explained to me in hindi.

गुजराट

1687/149  
Jhumar Oyami  
13/07/2019

VERIFICATION

I, Jhumar Oyami, the deponent, do hereby verify that the contents of the above Para 1 and 2 are true to my personal knowledge and belief. Verified and signed by me on 30/07/2019 at Bilaspur.

गुजराट

DEPONENT

1687/149  
Jhumar Oyami  
13/07/2019

1687/149

(38)

IN THE HIGH COURT OF CHHATTISGARH AT  
BILASPUR

VAKALATNAMA

wR(6) Case No. \_\_\_\_\_ Of 2015

Petitioner

Thymer Chami

Appellant

Applicant

VERSUS

Respondent

Union of India and others.

Non-Applicant

I or We Thymer Chami the above named

Thymer Chami do hereby appoint

SUDEEP AGGARWAL

ADVOCATE(S) as counsel, to appear, plead and act on behalf of the undersigned, in any manner, he thinks it proper, either himself or through any other Advocate, and in particular to do the following, namely:-

To receive any process of court (including any notice from any appeal or revisional court), to file any application(s), petition of pleadings, to file, produce or receive back any documents, to withdraw or compromise the proceedings, to refer any matter to arbitration, to deposit or withdraw any money, to execute any decree or order, to certify payment, and receive any money due under such decree or order.

The undersigned shall bound by all whatsoever may be done in the aforesaid case (including any appeal or revision there from) for and on behalf of the undersigned by any of the said counsel.

This Vakalatnama is executed on this 30 day of 07 2015

Signature

(Name in Full: - )

SSM

Accepted on aforesaid conditions

( SUDEEP AGGARWAL )

(Counsel for Petitioner/Appellant/Applicant/Respondent/Non-Applicant)