

Order from Kavre District Court dated Sept 18, 2007

As provided in State Cases Act, 2049, it is the responsibility of Police authority to institute an effective investigation into crimes and file cases, and if litigation is impossible, to follow the procedures as required accordingly. The issue of crime committed by responsible officers of [the then Royal] Nepal Army is itself a sensitive issue, thereby requiring prompt investigation in a responsible and effective way. The 9th page of 2062.5.23 (September 8, 2005) verdict by Court Martial, as received from Nepal Army, clearly stated that Maina Sunuwar died due to the application of wrong method and technology derived out of negligence, whim, and irrationality during investigation, and also killing is a crime which requires an effective investigation, regardless of which officials committed the crime, so as to decide whether the death occurred as a result of criminal activities and to decide whether it demands filing case or not. So, case must have been field as per State Cases Act, 2049 but there seems to be no effective into the First Information Report lodged on 2062.7.27 (November 13, 2005) even after a long time elapsed; hence, a mandamus order is issued in the name of the respondents to complete investigation within 3 months of the issuance of this order. A copy of this order be immediately sent to the Office of the Attorney General for the issuance of order to be conveyed to the respondents. Case be taken out from the cause list and dossiers be submitted as per rule.

Justice (signed)

I consent to the decision.

Justice (signed)

Bench Officer: Swikriti Parajuli

Computer Typist: Mukunda Bista

Done on Tuesday, 1st of Aswin, on the year 2064 (Sept 18, 2007)