

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD.

Office Memoranda of appearance, directions and orders.	Notes, of Court's orders and Registrar's	Office Coram, Court's or Judge's orders.
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CRIMINAL WRIT PETITION NO. 239 OF 2015

MILIND RAMBHAU RANSUR & ORS

VERSUS

BHARAT CHOKHAJI PAIK & ANR

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Advocate for Petitioner : Mr. Chapalgaonkar Shailesh S.
APP for Respondent No.2: Mr. P. N. Mule.

CORAM: T. V. NALAWADE, J.

DATED: 10th JUNE, 2015.

PER COURT:

1. The petition is filed to challenge the order made by learned Additional Sessions Judge, Kopergaon, District Ahmednagar on Exhibit-26 in Sessions Case No.24 of 2014. The charge sheet is filed against the present Petitioner for offence punishable under sections 306, 34 etc. of I.P.C. and Section 11 and 12 of Protection of Children from Sexual Offences Act. The charge is also framed. The learned counsel for the Petitioner is heard

and learned A.P.P. is also heard. There was no need felt to hear Respondent No.1.

2. There is allegation against the present Petitioners that the present presents were teasing the deceased girl when she was proceeding to the school and when she used to return from the school. She was aged about 14 years. Allegations are made that due to this conduct of the Petitioners the girl committed suicide by setting herself on fire in the house of her father on 19th March, 2014.

3. In the application filed at Exhibit-95 the petitioners, accused have contended that fair and proper investigation is not made. It is contended that in spot Panchanama there is mention that the room where the incident took place had a window and it had no grills and there is no mention that any force was required to be used for opening the doors of the room if the deceased had closed the door from inside at the time of committing suicide. It is also contended that no kerosene was detected in the articles which were taken out from the spot and which included the partly burnt clothe of the deceased and that can be seen from the

C.A. report. The Petitioners had requested for issuing directions to police to make further investigation of the case. The application was opposed by the learned A.P.P. appearing for the State in the trial Court. It appears that a point was framed by learned Additional Sessions Judge showing that the Petitioners wanted re-investigation. The Court observed that the Sessions Court has no such power and the application is rejected.

4. The learned counsel for the Petitioners was allowed to argue after presuming that the order is made on Application filed for further investigation and the Sessions Court has refused the order of further investigation. This Court has carefully gone through the record of investigation.

5. The crime was registered on the basis of the report given by father of the deceased. One specific incident which had taken place in the school of the girl is mentioned by the witnesses in the statements to show that due to the said incident, which took place in the school, the deceased took such step. Inquest Panchanama and P.M. report show that only the burn injuries were found on the dead body and the death took

place due to 95% superficial to deep burns. The spot Panchanama shows that the incident took place in a room which is a part of the building which was under construction. The family of the complainant was not living in that building at the relevant time as the construction was not complete. In the spot Panchanama it is mentioned that articles like can containing kerosene, a match box, partly burnt clothes of the deceased were taken over from the spot and there was smell of kerosene to these articles. There is statement of police constable, who had collected the clothes from the dead body in the hospital, and which is to the effect that there was smell of kerosene to these clothes also. The C.A. report shows that kerosene was detected on these clothes. The piece of cloth collected under spot Panchanama tallied with the cloth collected from the hospital.

6. The learned counsel for the Petitioners submitted that there is possibility that the girl was murdered by her own relatives and to save themselves the aforesaid circumstances were created. In view of the P.M. report and the other record, which is already mentioned, it can

be said that no such probability is created. There are statements of persons living in that locality. Not even a single hint is given on the basis of which some further investigation can be made and some material can be collected as alleged by the Petitioners in the aforesaid application. The spot Panchanama mentions the material things and it cannot be said that inference can be drawn that there was no grill to the window of the room. At present only on the basis of spot Panchanama such inference is not possible. In any case, if there are such circumstances those circumstances can be considered by the Court during trial and the trial Court has ample powers for taking necessary steps if such suspicious circumstances are found. The order of further investigation is not at present necessary in the present case in view of the facts and circumstances of the present case. This Court holds that the trial Court has not committed any error in rejecting the application. Considering the possibility that it is an attempt to protract the hearing of the case, direction need to be given to the trial Court to expedite hearing of the case.

7. In the result, the petition is dismissed. The trial

Court is hereby directed to expedite hearing of the case and dispose of the case in any case within six months from the date of receipt of this order.

[T. V. NALAWADE, J.]

Dt.10/06/2015
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