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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 1650 OF 2013**

Mr. Prakash Prabhudas GokaniPetitioner
versus
State of Maharashtra and ors.Respondents

Mr. D. B. Shukla, advocate for the petitioner.
Mr. K. V. Saste, APP for the State.

**CORAM : RANJIT MORE &
A. P. BHANGALE, JJ.**

DATED : 7th MAY, 2015.

P.C.:

By this petition, the petitioner is seeking following reliefs :

“b) This Hon'ble Court be pleased to issue necessary directions under its writ jurisdiction To transfer the investigation of CR.No.I-220/09 from the file of Nerul Police Station to any other competent authority.

c) This Hon'ble Court be pleased to direct the respondents to add Section 302 and 201 of Indian Penal Code to CR.No.I-220/2009 registered with Nerul Police Station under Section 498A, 406, 304B, 306 of the Indian Penal Code.

d) Pending the final disposal of the present petition, this Hon'ble Court be pleased to stay the investigation and proceedings in CR.No.I 220/2009 pending on the file of Nerul Police Station, Navi Mumbai.”

2. The petitioner's daughter died on 3rd August, 2009 under suspicious circumstances at her matrimonial house within a year and half of her marriage. Thereafter, on the basis of statement of the petitioner, FIR bearing CR.No.I-220/09 initially came to be registered with Nerul Police Station, Navi Mumbai against the husband and mother-in-law of the deceased daughter for the offences punishable under Section 498A, 306, 304B read with Section 34 of the Indian Penal Code, 1860. After completion of investigation, final report under Section 173 of the Code of Criminal Procedure, 1973 was filed against the husband and mother-in-law of the deceased for the offences punishable under Sections 304B, 306, 498A read with Section 34 of the Indian Penal Code, 1860 on 31st October, 2009. The petitioner has filed writ petition No.289 of 2010 with prayer for direction to the respondent for transfer of investigation in C.R.No.I-220/09 registered with Nerul Police Station to State CID. After hearing both the sides, the Division Bench of this Court disposed of this petition on 6th May, 2010 and directed that the investigation of the said CR be carried out under the supervision of ACP. Pursuant to the above order, further investigation was carried out by the Investigating Officer under the supervision of ACP and supplementary report regarding further investigation was filed invoking additional penal Section 406 of the Indian Penal Code, 1860, on 2nd July, 2010.

3. Learned counsel for the petitioner submits that medical report

dated 3rd February, 2012 indicated that the cause of death was due to excess consumption of paracetamol and salicylic acid. Learned counsel for the petitioner submits that even if it is assumed that the deceased consumed paracetamol and salicylic acid, then also, death is not possible within 2 ½ hours.

4. Mr. Saste, learned AGP, having taken instructions from the investigating officer concerned states that report regarding handwriting expert's opinion and lap top examination report are awaited and the same will be filed as soon as they are available. The statement is accepted.

5. Having gone through the report of the Senior Police Inspector of Nerul Police Station, Thane, dated 15th April, 2015 and considering that the trial Court is already seized of the trial, we do not find any need to order transfer of the investigation to any independent agency. The petitioner, is always at liberty, to apply before the trial Court regarding report pursuant to the further investigation done in the case, for necessary directions according to law.

6. In the light of the above observations, the petition stands disposed of.

(A. P. BHANGALE, J.)

(RANJIT MORE, J.)