

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 2568 OF 2015

Sangita Ramesh Bahadurkar. ..Petitioner.

Versus

State of Maharashtra & Others. ..Respondents.

Mr. Debajyoti Talukdar for the Petitioner.

Mrs. P. H. Kantharia, learned APP for the State.

Coram : RANJIT MORE &
R. G. KETKAR, JJ.

Date : **September 15, 2015.**

P. C. :

1. Heard learned Counsel appearing for the Petitioner and learned APP for the State. By this petition, the Petitioner is seeking transfer of investigation of CR.No.116 of 2015 registered with Khadak Police Station, Pune to any other Investigating Agency.

2. Mr. Talukdar, learned Counsel appearing for the Petitioner submitted that the Petitioner's husband and father of the deceased-Amruta expired in February 2015 and soon thereafter husband of deceased-Amruta and relatives of the husband of deceased-Amruta started causing cruelty to Amruta

on account of dowry demands. He submitted that they were harassing Amruta by making demands for transfer of flat and shop occupied by the Petitioner. He submitted that despite statements given to that effect by Aniket, the brother of deceased Amruta, the police have not registered offence under section 498-A of the Indian Penal Code, 1860.

3. Mrs. Kantharia, learned APP for the State submitted that marriage of Amruta was solemnised with Vinod in the year 2006, incident in question is dated 14th April 2015. On the basis of information given by Vinod - the husband of Amruta, FIR / CR No. 116 of 2015 was initially registered for the offence punishable under sections 326 and 506 of the Indian Penal Code, 1860 and subsequently after the death of Amruta, the provisions of sections 307 of the Indian Penal Code, 1860 have also been added. She submitted that investigation has been carried out in proper manner and there is no need to transfer the investigation.

4. From the record produced before us by the police, through learned APP, we find that statements of Amruta, the

Petitioner as well as Aniket were recorded on 16th April 2015 itself. In these statements, there is no allegation about the dowry demands. Amruta expired on 15th August 2015. The medical papers produced before us show that Amruta died of complications following liver disease.

5. The Petitioner (mother of Amruta) and Aniket (brother of Amruta), for the first time after the death of Amruta made allegations about the dowry demands. The contention of the Petitioner in this regard is that though the unlawful demands for dowry were there, but after the death of her husband (i.e., father of Amruta) in the month of February 2015, dowry demands of Amruta's husband and his relatives became more severe. We are not impressed by this submission. No allegation in this regard was ever made either by Amruta or Aniket or the Petitioner herself till the death of Amruta. Perusal of the FIR and the earlier statements of the Petitioner and Aniket as well as the statement made by Amruta do not disclose any allegation with regard to demands for dowry. Be that as it may, as submitted by learned APP for the State, the investigation in the case is

complete and charge-sheet is ready.

6. In these facts and circumstances, we find that there is no lacuna in the investigation and hence there is no need to transfer the investigation to any other agency. Hence, writ petition is dismissed. Interim order stands vacated.

7. That apart, once the charge-sheet is filed the Petitioner can approach the trial Court under section 216 of the Code of Criminal Procedure, 1973 for alternation in the charge on the ground that proper provisions are not applied. Besides, the Petitioner may seek to add any other person as accused in the said trial, invoking the provisions of section 319 of the Code.

8. Needless to state that observations made hereinabove are for the limited purpose of finding out whether case for transfer of investigation has been made out. If the additional material is brought before the trial Court by the Petitioner, the same shall be dealt with independently by the trial Court without being influenced by the observations made hereinabove.

[R. G. KETKAR, J.]

[RANJIT MORE, J.]

Certified to be true and correct copy of the original
signed Judgment / Order.