

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL WRIT PETITION NO. 61 OF 2015

(Mr. Suresh s/o Bapurao Charbhe & Anr. vs. State of Maharashtra thr. its Secretary, Department of Home & Ors.)

Office Notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's orders

**CORAM : B.P. DHARMADHIKARI &
S.B. SHUKRE, JJ.
APRIL 17, 2015.**

Heard Shri Vyas, learned counsel for the petitioners and Shri Pathan, learned APP for the respondents.

2. Perused the application, reply affidavit and documents placed on record. According to the prosecution, the suicide note was seized on 03.03.2015. The suicide note implicates accused - Yogesh, against whom FIR is already registered under Section 306 read with Section 420 of Indian Penal Code.

Shri Vyas, learned counsel submits that the very same suicide note also points out involvement of a lady addressed to therein as "*Madam*" and one other lady mentioned as "*she*". He submits that this other lady referred to as "*she*" had stated in presence of one Varsha, something which has got bearing on personal relation of the deceased with said "*she*". According to the learned counsel, police have still not recorded the statement of said Varsha and there is deliberate delay.

The learned APP opposes this. He points out synopsis filed as Annexure R-1 with reply affidavit. He submits that complaint in the matter was made on 05.03.2014 and thereafter FIR was registered. As there was no complaint till 05.03.2014, there was no scope for recording any FIR. He further adds that expeditious steps have been taken and statement of witnesses have been recorded, as disclosed in para 13 of the reply affidavit.

Para 13 shows that statements of eight persons have been recorded by the Police. Name of Varsha does not figure therein. There is no explanation as to why statement of Varsha has not been recorded. Similarly, after a suicide note implicating Yogesh and one "*Madam*" as also "*she*" was seized on 03.03.2015, Police could have investigated the matter to find out the correct position. These steps were taken after offence has been registered on 05.03.2014. In this situation, we find some substance in the apprehension of present petitioners, who are uncle and brother of the deceased.

In this situation, we grant prayer (1) and transfer investigation of First Information Report No. 87 of 2014 to Local Crime Branch, Wardha, forthwith.

Criminal Writ Petition is accordingly allowed and disposed of.

JUDGE

JUDGE