

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

CRIMINAL WRIT PETITION (CWP) NO. 1089 OF 2014

(Kishor Marotrao Kale & Anr. vs. State of Maharashtra thr. PSO, PS Paratwada, Dist. Amravati)

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 &
P.N. DESHMUKH, JJ.
JULY 16, 2015.**

Heard Shri Phadnis, learned counsel for the petitioner and Shri Mirza, learned APP for the respondent.

Perused the reply.

The death of wife of Petitioner No. 2 has taken place on 13.05.2013 at his residence. It is alleged that the relationship of Petitioner No. 2, who happens to be brother of the deceased and wife of Petitioner No. 1 viz., Snehali/ Sonali were strained. The said wife along with her relative entered house of Petitioner No. 2 and met deceased Vrushali on 12.05.2013. Thereafter she was taken to hospital and on the next day i.e. on 13.05.2013, she died.

Petitioner No. 1 – brother, who has strained relations with Snehal and petitioner No. 2 husband of the deceased are jointly before this Court seeking proper investigation.

A perusal of reply shows that report has been lodged almost after three days and after performing funeral. The police authorities have recorded statements of Swapnil Pandre, Mohd. Akbar,

Rajesh Bhusomkar, Rakesh Verma and Pranita Wankhede. They could not get any material to doubt the death of Vrushali. Similarly, as body is not available, no further investigation is possible.

Shri Phadnis, learned counsel attempts to demonstrate that the statements of proper persons have not been recorded. He further states that copies of statements of above mentioned five persons have not been made available to the petitioners.

The learned APP states that those copies of statements cannot be made available to the petitioners.

It is apparent that a report has been lodged belatedly and there is no plausible explanation for it. The effort of Shri Phadnis, learned counsel to demonstrate that on the date of incidence itself attempt made to lodge police complaint failed, cannot be countenanced. The petitioners have performed funeral and have destroyed the evidence, if any, at that juncture.

In this situation, we find no case warranting any interference. Criminal Writ Petition is disposed of. No order as to costs.

JUDGE

JUDGE

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