

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO.403 OF 2016

Mansi Chintan Basu

.. Petitioner

V/s.

The State of Maharashtra & Ors.

.. Respondents

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Mr. A.J. Kenjele i/b. Mr. Rajesh Dharap, Advocae for the
Petitioner.

Mrs. M. M. Deshmukh, APP for Respondent - State.

Mr. S. S. Karmarkar, Advocate for Respondent No.2.

Mr.Vikram Deshmane, DCP XI Zone, present.

Mr. Bhimrao Bira Vhanmane, PI, Malad Police Station, present.

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**CORAM : NARESH H. PATIL AND
PRAKASH D. NAIK, JJ.**

DATED : AUGUST 26, 2016.

P.C. :

On complaint filed by the petitioner police registered an offence and filed a charge-sheet against accused persons for the offences punishable under Sections 498(A), 420, 406, 323, 504 and 506 read with Section 34 of the Indian Penal Code (for short "IPC") bearing FIR No.106 of 2015 at Malad Police Station. Charge-sheet came to be filed in December 2015. It is further submitted that even charge is farmed against accused person.

This petition is filed in January 2016. Learned counsel for petitioner submits that police did not investigate the case properly. Accused person was residing in a big bungalow whereas police tried to recover the Stridhan and various other articles possessed by complainant from a small premises which was said to be the place of residence of accused person. Accused possessed a locker in the Central Bank of India which was closed after initiation of criminal proceedings. Learned counsel submitted that police ought to have verified as to whether prior to their communication to Central Bank of India, accused had closed the locker. Learned counsel further submitted that some of the articles were recovered under panchanama but major gold articles, valuables are not recovered by police. According to the petitioner, ornaments worth more than Rs.52 lakhs were offered in the marriage and they are in custody of husband/in-laws.

2 Learned APP submits that police has also conducted a panchanama of the so called big bungalow which was possessed by accused person and also the other place of residence of the accused person. In the presence of petitioner – complainant police recovered certain articles. Learned APP on instructions from Investigating officer who is present in Court submits that

the Magistrate had passed an order consequent thereto police has recovered articles. A list of recovered and seized articles is annexed at Exhibit-“U”. Except gold ornaments, other ornaments are returned to the petitioner as per order of the Magistrate. Learned APP submits that investigating officer has not brought the entire file of the investigation and other relevant documents.

3 Learned counsel for petitioner has placed reliance on the judgment of this Court in the case of ***Gangajamuna @ Sangeeta Rajesh Dharap Vs. The Senior Police Inspector, Dadar Police Station & Ors.***¹

4 Learned counsel appearing for respondents has denied the allegations made against accused persons. He submitted that whatever ornaments the wife had, were returned to her. Learned counsel submitted that as charge is framed there is no other alternative but to face the prosecution.

5 Perused the record placed before us. Heard the submissions. We have perused the judgment cited above.

1 2011 ALL MR (Cri.) 84

6 Investigation is completed. In the facts of the case, we do not find that sending police to the so called big bungalow or the bank will serve any purpose. As charge is framed, the matter is left for consideration of the trial Court on merits.

7 Writ Petition stands disposed of.

8 Registrar (Judicial - I) to forward a copy of this order to DCP Zone - IX.

(PRAKASH D. NAIK, J.)

(NARESH H. PATIL, J.)