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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 2125 OF 2014

Manisha Salil Thakur

.. Petitioner

Vs.

Sr. Police Inspector of Virar
Police Station and ors.

.. Respondents

Mr. Nitin Pradhan with Ms. S. D. Khot and Ms. Ameeta Kuttikrishnan for
petitioner.

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

CORAM: NARESH H. PATIL &
A. M. BADAR, JJ.

APRIL 05, 2016.

P.C.

1. The petitioner is sister of deceased Dhanesh. The petitioner has levelled serious allegations against the Investigating Agency. It is reported that on 9/4/2014 Dhanesh was found hanging in a room of his residential house. The police reached the spot and thereafter inquiry was initiated. A.D.R. was registered i.e. ADR No. 54 of 2014 under Section 174 of Cr. P. C. on 9/4/2014 at 17.30 hrs. The police claims to have recorded spot panchanama and statements, including statements of Sau.

Manisha Salil Thakur, the petitioner herein and Sau. Smita Dattatray Bhoir on 14/4/2014. The postmortem was conducted. The postmortem report dated 9/4/2014 is at Exh. A. The cause of death is cardio - respiratory arrest due to asphyxia secondary to hanging.

2. On behalf of the State, Shri Arvind Kamble, Assistant Inspector of Police filed affidavit. The deponent stated that after registration of ADR, Police Head Constable Buckle No. 1401 conducted the inquiry. Thereafter the inquiry was transferred to the deponent. He further recorded the statements of various persons and seized mobile handset. A questionair was sent to the Medical Officer, Rural Hospital, Virar to verify whether the death was suicidal or homicidal. The Medical Officer opined that there was no evidence of poisoning and no evidence of any other external injuries. The cause of death was ante-mortem hanging (suicide). The opinion was given by Dr. S. A. Pawar on 14/7/2014.

3. The petitioner filed affidavit-in-rejoinder, in which number of issues are raised in support of his submission that the death of deceased Dhanesh is not accidental one. Learned counsel appearing for the petitioner, therefore, submits that this is a fit case for carrying out

investigation by some other agency. The learned counsel submits that the Local Crime Branch could be entrusted with the investigation of the case.

4. The learned APP submits that the police has inquired into the matter and as of now any other inquiry is not contemplated by the police in respect of the subject ADR.

5. We have perused the ADR, statements of witnesses recorded by the police during inquiry, PM report etc. We have noticed that the statements of witnesses i.e. Sau. Manisha Salil Thakur and Sau. Smita Dattatray Bhoir recorded during inquiry are identical and largely verbatim narration. It creates doubt as to whether the Investigating Officer investigated the case by applying his mind and recorded the statements of said persons independently while conducting inquiry. We find that in the facts and circumstances of the case, the issues raised by the petitioner is required to be looked into by the Investigating Agency afresh. The incident took place in the year 2014. It is unfortunate that since then the issue is pending. Therefore, it would be appropriate to hand over the further inquiry / investigation to another Agency.

6. We direct the Local Crime Branch, Palghar District to take over the inquiry/investigation in respect of ADR No. 54 of 2014 registered with Virar Police Station and complete the same as early as possible.

7. Petition is accordingly disposed of.

8. All concerned to act on an authenticated copy of this order.

(A. M. BADAR, J.)

(NARESH H. PATIL,J.)