

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

CRIMINAL WRIT PETITION NO. 2226 OF 2016

Amanna Jambu Koli

.. Petitioner

V/s.

The State of Maharashtra & Ors.

.. Respondents

.....

Ms. Sneha Singh i/b. Mr. Abhishek Yende, Advocate for the
Petitioner.

Mr. J. P. Yagnik, APP for Respondent-State.

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

DATED : OCTOBER 19, 2016.

P.C. :

Police registered ADR in connection with death of son of the petitioner. Thereafter police recorded statement of petitioner on 4th August, 2015. It is claimed that inquiry was conducted and a report was submitted by the police to the Magistrate. Police did not find any person responsible for the death of the son of the petitioner. Postmortem report mentions the cause of death as "Asphyxia due to drowning".

2 Learned counsel appearing for the petitioner submits that the C.C.T.V. footages would show that the petitioner entered the subject premises along with four other friends with whom he

had some quarrel earlier and the footage would further show that four person came out of the subject premises excluding the petitioner's son.

3 We have perused the inquiry papers, considered the submissions advanced. Record shows that deceased suffered three injuries on the left frontal region, left cheek and the side of both arms and wrist region.

4 Learned APP submits that a report was already submitted under Section 174 of the Cr.P.C. We observe that the learned Magistrate would exercise powers in accordance with the provisions of the Cr.P.C. including provisions of Section 176 of Cr.P.C. on its own merits.

5 In case the petitioner is still aggrieved, we grant liberty to the petitioner to resort to appropriate remedy as prescribed under law.

6 By keeping all issues on merits open, writ petition is disposed of.

(PRAKASH D. NAIK, J.)

(NARESH H. PATIL, J.)