

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.3438 OF 2016

Dhanraj Kevat

Petitioner

versus

State of Maharashtra

Respondent

Mr.Teja Katdare i/by Alpa Javeri for Petitioner.

Mrs.A.S.Pai, APP, for State.

Mr.Ashwinikumar Pathak for Intervenors.

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

DATE : 29th September 2016

PC :

1. The Petitioner claims to be the nephew of deceased Barsati Kevat who was resident of Uttar Pradesh. The deceased Barsati Kevat had visited Mumbai for collecting rent of the room, according to the Petitioner. The deceased Barsati Kevat died on 9 September 2016 at Mumbai. It is submitted that his dead body is lying in the mortuary of Sion Hospital, as there was some dispute or confusion in respect of the persons who could be handed over the dead body as legal representative of the deceased.

2. The intervenors have filed an application, who claim to be the son and daughter of the deceased, for taking charge of the dead body of Barsati Kevat, so that the last rituals of the deceased may be performed by them.

3. As the parties dispute each others relation with the deceased looking to the exigency of the situation, we do not express any opinion in respect as to whether the Petitioner or the Intervenors are related to the deceased.

4. We direct the Respondent-State and the Senior Police Inspector of Dadar Police Station, Mumbai to take appropriate steps to hand over the dead body of the deceased Barsati Kevat to the Petitioner and the Intervenors jointly. The Petitioner and the Intervenors undertake to cremate the dead body of Barsati Kevat in Mumbai soon after receiving it from the authorities concerned. We direct the Senior Police Inspector, Dadar Police Station to depute a police constable to remain present at the cremation site and to report to the Senior Police Station.

5. It is clarified that this Court has not addressed the issue in respect of the claim towards any of the properties, in case held by the deceased in Mumbai or in the State of Uttar Pradesh.

6. With this direction, the petition is disposed of. Parties and all concerned to act on an authenticated copy of this order issued by registry of this Court.

7. The Senior Police Inspector, Dadar Police Station to transmit the report of cremation of deceased to the District Superintendent of Police, Siddharth Nagar District, Uttar Pradesh.

8. PSI M.T.Dhekale, Dadar Police Station is present in Court and she waives service of this order.

(PRAKASH D. NAIK, J.)

(NARESH H. PATIL, J.)

MST