

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.4166 OF 2013

Jatashankar Ramchandra Varma ..Petitioner
Versus
The State of Maharashtra and ors. ..Respondents

Mr. Rakesh Kumar along with Mr. Manoj Singh and Mr. Puneet Shukla
i/b. M/s. MKS Legal Associates, advocates for the petitioners.
Mrs. M. M. Deshmukh, APP for the State.

**CORAM : RANJIT MORE &
V. L. ACHLIYA, JJ.**

DATE : 2nd MARCH, 2016.

P. C. :

Heard learned counsel for the petitioners and learned APP for the State at length.

2. The petitioner, father of the deceased – Vijay Jatashankar Varma has made a grievance about the inquiry into the case of death of his son – Vijay. According to the prosecution, dead body of the deceased was found near the railway track and, therefore, the railway police conducted the inquiry. According to the investigating officer, the deceased died due to accident while travelling in a local train. The postmortem of the deceased was conducted. According to the medical officer, the probable cause of the death of the deceased was hemorrhagic shock due to trauma.

3. Learned counsel for the petitioner contends that the death of his son must not have been caused in railway accident and it is the case of homicidal death. Learned counsel for the petitioner submitted that if the deceased was travelling from Mira Road to Borivali, then, there could not have been injuries on the right side of the body. He also submitted that the body of the petitioner's son found at the distance of 5 feet away from the railway track rules out the possibility of accident. The petitioner contends that the deceased had love relationship with one girl by name Shraddha and he suspects that his son must have been murdered at the instance of the girl's father.

4. After hearing learned counsel for the petitioner and learned APP, this Court had noted down the submissions of the respective counsel and passed an interim order on 9th April, 2014, thereby directing respondent No.4- Superintendent of Police, Thane Rural, to investigate the said crime under his supervision. In pursuance of this order, investigation was carried out by Deputy Superintendent of Police (Home), Palghar and conclusion was arrived at that the petitioner's son died in railway accident and report to that effect was filed under Section 174 of the Code of Criminal Procedure, 1973 and this report was accepted by the competent authority.

5. We have gone through the summary report of the investigating officer under Section 174 of the Code of Criminal Procedure, 1973 and the same discloses that the investigating officer has investigated the case from all angles including suspicion expressed by the petitioner. The statements of the girl-Shraddha, Akbar and Imran came to be recorded. Thereafter, the investigating officer came to the conclusion that the petitioner's son died in railway accident. That apart, the incident in question, occurred on 23rd November, 2012. The petitioner himself after 20 days raised suspicion about the circumstances under which his son died. So far as the petitioner's contention regarding the injuries on the right side of the body is concerned, we do find any merit in it as much as those injuries are also possible if the petitioner's son was travelling from Mira Road to Borivali and was facing towards Mira Road. The body of the petitioner's son found 5 feet away from the railway track is also not unusual. All these facts are considered by the investigating officer and thereafter, summary report under Section 174 of the Code of Criminal Procedure, 1973 is filed. We do not find any merit to order reinvestigation or transfer of investigation. The petition is devoid of any merit and, the same is, accordingly, dismissed.

[V. L. ACHLIYA, J.]**[RANJIT MORE, J.]**