

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Criminal Writ Petition No.326 of 2015

(Tajbi Anwar Sheikh

vs.

The State of Maharashtra, through its Secretary, Department of Home, Mantralaya, Mumbai & others)

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Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

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Shri V.R. Borkar, Adv. h/f Shri I.S. Charlewar, Adv. for the Petitioner.
Shri S.M. Ghodeswar, A.P.P. for Respondent Nos.1 to 3.
Shri A.B. Mirza, Advocate for Respondent Nos.4 and 5.

CORAM : B.R. GAVAI & A.S. CHANDURKAR, JJ.

DATE : 7th MARCH, 2016.

The present petition has been filed for a direction to respondent Nos.2 and 3 to register a cognizable offence against respondent Nos.4 to 5 by taking cognizance of the report dated 06/05/2015.

Smt. Bismillaha Badshah Khan is the mother of the present petitioner. She was having three sons and all of them are no more. She is having two daughters viz. the present petitioner and Nurjaha, who is residing at Wardha. Bismillaha was suffering from malignancy of throat. She had gone to her elder daughter viz. Nurjaha at Wardha. It appears that thereafter Nurjaha dropped Bismillaha at the house of petitioner so that she could take treatment at Nagpur. The husband of Bismillaha was working in the Railway and as such she receives family pension. After Bismillaha was brought to Nagpur, her pension account was transferred to Nagpur.

The petitioner had sent Bismillaha to her native place at Isapur along with her daughter Darbari Sheikh. Darbari dropped Bismillaha at Isapur and came back to Nagpur. According to the petitioner, after two days, the petitioner had again sent her daughter Darbari to bring Bismillaha, but Darbari returned back and told the petitioner that Bismillaha could not be found there. Accordingly, the petitioner immediately filed report at Police Chowki, Isapur and subsequently lodged a complaint with respondent No.3.

In the investigation, it is found that after Bismillaha could not be treated at Nagpur, the present petitioner again sent her to Isapur. It has also come in the statement of the sister of the present petitioner that it is the present petitioner, who along with Bismillaha was withdrawing the pension amount payable to said Bismillaha.

The police, upon enquiry and after recording various statements, including the statement of relatives, have come to the conclusion that there is no substance in the allegations made by the petitioner. We do not find that there is any reason to disbelieve the investigation carried out by respondent No.3.

In that view of the mater, we do not find any merit in the petition. Hence, the petition is rejected.

JUDGE

JUDGE