

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 682 OF 2016
with
WRIT PETITION No. 3784 OF 2014

Smt. Sudha V. Devadiga.

..Petitioner.

Versus

State of Maharashtra.

..Respondent.

Mr. Amit Munde for the Petitioner.

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

Coram : RANJIT MORE &
SARANG V. KOTWAL, JJ.

Date : **July 19, 2017.**

P. C. :

1. Heard Mr. Munde, the learned Counsel appearing for the Petitioner and Mrs. Deshmukh, the learned APP for the State.
2. These two petitions are filed by the mother of missing girl. Writ Petition No.3784 of 2014 is filed seeking writ of habeas corpus directing Kalwa Police Station to produce before this Court the Petitioner's daughter – Sowrabha. Writ Petition No. 682 of 2016 is filed seeking transfer of investigation of FIR bearing CR. No. I-20/15 registered with Kalwa Police Station.
3. Above referred FIR is registered at the instance of the Petitioner who is the mother of missing girl, for the offence punishable under section 366 of the Indian Penal Code, 1860 on 16th January

2015. The FIR is registered against one Sohaib Fakhruul Hasan Siddiqui. In the said FIR, the Petitioner has alleged that her daughter is kidnapped by said Siddiqui.

4. From time to time above writ petitions were placed for orders. Initially investigation of the subject FIR as well as efforts to trace out the Petitioner's daughter was undertaken by Kalwa Police Station. However, by the order dated 28th September 2016 passed in writ petitions, this Court transferred the investigation of the subject FIR to the Crime Branch Thane.

4. Today, the learned APP placed on record report dated 19th July 2017 made by the Senior Inspector of police, Crime Branch, Thane. This report shows that crime branch who is investigating the subject crime, has tallied the admitted photograph of the Petitioner's daughter with that of a dead body of the girl who met with railway accident on 25th May 2012. After tallying these photographs, they have found that as a matter of fact, the Petitioner's daughter had met with a railway accident on 25th May 2012 and died in the said accident. Crime branch also recorded the statements of the neighbours of the Petitioner. Neighbours after verifying the photograph of the dead body, confirmed that she is the Petitioner's daughter. Articles found on the said dead body were shown to the Petitioner and the Petitioner

admitted that those articles belong to her daughter. A statement to that effect is given by the Petitioner.

5. Be that as it may, we have also perused the admitted photographs of the Petitioner's daughter as well as the photograph of the dead body of the girl who met with an accident on 25th May 2012. We too find that the Petitioner's daughter met with an unfortunate railway accident.

6. Mr. Munde, the learned Counsel appearing for the Petitioner as well as the Petitioner who is present in the Court still dispute the fact that the Petitioner's daughter had died in an accident. The Petitioner states that her daughter is still alive. She also denied that she has given any statement to the police about the found articles. We have verified the Petitioner's statement and found that the same is given by the Petitioner and she has signed the same. The stand of the Petitioner and her advocate that Sowrabha is still alive cannot be accepted.

7. In above circumstances, both the writ petitions are disposed of.

[SARANG V. KOTWAL, J.]

[RANJIT MORE, J.]