

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 1611 OF 2017

Bhagwan Namedev Gaikwad	Petitioner
Versus	
The State of Maharashtra and anr.	Respondents

Mr. K. S. Patil, advocate for the petitioner.
Mrs. Aruna S. Pai, APP for the State.

**CORAM : RANJIT MORE &
SARANG V. KOTWAL, JJ.**

DATE : 15th JUNE, 2017.

P. C. :

Heard Mr. Patil, learned counsel for the petitioner and Mrs. Pai, learned APP for the State.

2. The petition is filed seeking directions to transfer the investigation in connection with CR No.I-56 of 2017 registered with Bhoiwada Police Station, Mumbai. The Bhoiwada Police Station initially registered ADR on 9th November, 2016, on the information of accidental death in motorcycle accident of the petitioner's daughter who was married to the accused. In the ADR, the statement of the petitioner was recorded on 12th November, 2016. However, he expressed no grievance against anybody including the accused.

3. During investigation, the police recorded the statements of two eye witnesses viz. Shrikant Milve and Archana Shevde on 29th March, 2017. These witnesses have witnessed the incident in question, in which,

the petitioner's daughter sustained injuries and succumbed to the same. These witnesses have stated that at 7.00 a.m. On 09th November, 2016, they saw one person driving a bullet motorcycle bearing number MH-04--CS-1489 at Dr. B.A.Road and one lady was sitting on the pillion seat of the said motorcycle. The witnesses saw the motorcycle skid because of the wet road and both the persons i.e. the man who was driving and the lady on the pillion seat were thrown off the motorcycle. The witnesses immediately rushed to help them. However, they saw that the lady was in semiconscious state. They stopped a taxi and helped the person driving the motorcycle and the lady sitting behind into the taxi and sent them to KEM Hospital.

4. Be that as it may, the learned APP, on instructions, makes a statement that the investigation into the subject CR is completed and a charge-sheet is also filed against the accused for the offences punishable under Sections 279 and 304-A of the Indian Penal Code. The learned counsel for the applicant could not bring out any clinching circumstances to support his contentions that the accused has murdered his wife. No case is made out to entertain this petition. The petition is, accordingly, dismissed.

(SARANG V. KOTWAL, J.)

[RANJIT MORE, J.]