

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL PUBLIC INTEREST LITIGATION NO.41 OF 2011

Mrs.Ashwini Nikhil Rane : Petitioner.
Versus
The State of Maharashtra & ors. : Respondents.

Mr. S B Deshmukh for the Petitioner.
Mrs. P P Shinde, APP, for the State.
Mr. Sandesh Patil for the Respondent No.4.

**CORAM : R. M. SAVANT &
SMT. SADHANA S JADHAV, JJ.**
DATE : 13th JULY 2017

P.C.

1 The above Criminal PIL, as originally filed, was to highlight the fact that the investigation into the case of the murder of one Nikhil Rane had not borne fruit inasmuch as the said case was not cracked by the police. The above Criminal PIL therefore sought various directions towards the improvement of the investigative machinery as well as the wherewithal for the same.

2 This Court by order dated 13/06/2011 transferred the investigation to the Central Bureau of Investigation. The Central Bureau of Investigation after carrying out investigation, as per the affidavit filed in the above Criminal PIL, has filed "A" Summary Report in the Court of the learned Judicial Magistrate First Class, Shivaji Nagar, Pune on 31/12/2015. Hence in so far as the said aspect is concerned i.e. the investigation into the death of the

said Nikhil Rane, the matter rests there.

3 However, the above Criminal PIL has been proceeded with as regards the amelioration of the infrastructure which is available with the police in terms of man power as well as equipment. In the said regard various orders have been passed from time to time wherein the directions as contained in the judgment of the Apex Court in *Prakash Singh v/s. Union of India* reported in *(2006) 8 SCC 1* have been adverted to.

4 On behalf of the State Government affidavits have been filed from time to time seeking to put on record the compliance made of the directions as contained in the orders which have been passed from time to time. Two affidavits which are of relevance are the affidavit dated 06/04/2017 filed by Shri Suryakant Kisan Nikam – the Deputy Secretary, Home Department, Government of Maharashtra and the affidavit dated 07/07/2017 filed by Shri Sunil Jaikumar Sovitkar – also the the Deputy Secretary, Home Department, Government of Maharashtra.

5 In the first affidavit i.e. the affidavit filed by Shri Suryakant Nikam the issue of infrastructure in the matter of equipment and the aids to investigation have been exhaustively dealt with from Item No.5 under the heading “Weapon Policy of Maharashtra State Police” to Item No.31 under the

heading “Assured Career Progression Scheme”. The aspect of improving the method of investigation, adopting modern techniques in police investigation, investigative aids required viz. finger print bureau and multi bio metric identification system, crime criminal tracking network project in respect of which steps have been taken has been highlighted. The issue of providing modern weaponry to the police has also been highlighted. In our view, the said affidavits can be said to set out or depict the steps that the State Government has already taken or would endeavour to take in the matter of providing infrastructure/equipment to the police to facilitate speedy investigation of crimes.

6 In so far as the affidavit dated 07/07/2017 is concerned, the said affidavit has been filed in furtherance to what has been stated in the affidavit dated 06/04/2017 and further seeks to elaborate various steps that the State Government has taken or would take to ameliorate the infrastructure that is required for carrying out investigation.

7 We are satisfied with what has been stated in the said two affidavits. We hope and trust that the State Government would make an earnest endeavour to continue to update the infrastructure and the technology that is required for carrying out a proper investigation of crimes.

8 Our attention is also drawn to the fact that the Bombay Police Act, 1951 has been amended so as to incorporate Sections 22(O) and 22(P). Section 22(O) contemplates that the Law and Order Branch and the Investigative Branch are to be kept separate. By Section 22(P) the State Police Complaints Authority is to be constituted. We are informed at the Bar that the steps have already been taken and in fact both the Law and Order Branch and the Investigative Branch are separated. In so far as the State Police Complaints Authority is concerned, we are informed that the said Authority has already been constituted and is functional. We therefore do not see any warrant to keep the above Criminal PIL pending and the same therefore to accordingly stand disposed of.

[SMT. SADHANA S JADHAV, J]

[R.M.SAVANT, J]