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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.2935 OF 2013

Rattan Singh Petitioner

V/s.

State of Maharashtra and ors Respondents

Mr. Yashpal Thakur, for the Petitioner.
Mr. J. P. Yagnik, APP for the Respondent State
Mr. Sandeep K. Shinde, Additional Public
Prosecutor for the respondent No.4.

**CORAM : RANJIT MORE &
DR. SHALINI PHANSALKAR-JOSHI, JJ.**

DATE : 12th JANUARY, 2017.

P.C. :

1. Heard learned counsel for the respective parties.
2. By this petition filed under Article 226 of the Constitution of India, petitioner is seeking direction to respondent No.1 to register F.I.R. and thereafter transfer the same to C.B.I., for further investigation.

3. The petitioner is the father of deceased Narender Singh, who was a Havildar, with Army Unit namely 64 ASC Supply Depot, Ghorpadi, Pune.

4. The dead body of Narender Singh was found on the railway track on 25.5.2012. It was taken to Sassoon Hospital and thereafter shifted to Army Southern Command Hospital, Pune. The deceased had sustained serious injuries on vital portion of the body and was in unconscious state. On examination the Doctors declared him dead.

5. On the information given by the Head Constable, Railway Police Station, registered A.D.R. The petitioner made grievance in this petition that his son did not die in an accident, but he was murdered. Further grievance was that despite it, neither F.I.R. was registered nor investigation was initiated.

6. In the light of these grievances, the petitioner approached this Court by filing this petition for the reliefs mentioned hereinabove.

7. We have perused the documents annexed alongwith the petition. Having considered the rival submissions and having gone

through the compilation of documents, we find no merit in the petition, for the reasons stated hereinbelow.

8. The dead body of the son of the petitioner was found on the railway track on 25th May, 2012. Suicide note was found on the person of the deceased. This note was sent to the Hand-Writing Expert. The report of Hand-Writing Expert is placed on record at page No.181. The report discloses that not only the signature, but also the hand-writing of the said suicide note is that of Narender Singh.

9. Learned counsel for the petitioner disputed this report, by relying upon the signature of the deceased on the form of Enrolement into D.S.C, produced at page No.430, of the petition.

10. Learned Additional Public Prosecutor, for respondent No.4, on the contrary, relied upon signature dated 16th May, 2012 of the deceased on the Nomination Form for Death-cum-Retirement Gratuity which is annexed at page No.85. We find the signature of the deceased on the suicide note and on the Nomination form is exactly similar. The signature on the Nomination Form is dated 16th May,2012 and date of suicide note is 24.5.2012; whereas signature in the Enrolement into D.S.C. is dated

15.6.2009.

11. In these circumstances, firstly, we do not find any merit in the contention of the petitioner that the deceased did not sign the suicide note. In this suicide note, the deceased has stated that he wants to die and does not want to hold anybody responsible for his death.

12. Secondly, immediately after the death of the deceased, Court of Inquiry was held by Army Authorities regarding the death of the deceased Narender Sing on 26.5.2012. In the Inquiry, statements of the petitioner and the wife of deceased came to be recorded. In his statement, the petitioner neither made any whisper nor expressed any suspicion about the death of his son Narender Singh.

13. Thirdly, the postmortem report on the dead body of the deceased was conducted by Armed Forces Medical College. The final cause of death is produced at page No.179. This report does show that the death of the deceased is due to "*coma and head injury*" caused by blunt force. It was further stated that the cause of the death due to railway accident cannot be ruled out. The report further rules out any possibility of the injuries on the deceased being caused by some weapon.

14. The counsel for the petitioner submitted that after the interim order passed by this Court on 10.2.2014, directing investigation to ascertain the circumstances resulting in the death of the deceased, the Investigating Officer has recorded only the statement of wife of the deceased and her brother. We do not find any merit in this contention also, inasmuch as we find that the Investigating Officer has called for the statements by the Army Officers alongwith the report from the Hand Writing Expert and final cause of death certificate.

15. These, documents, in our opinion, are more than sufficient to rule out any possibility of murder. The material collected by the Investigating Officer do not disclose commission of any offence as such. In view thereof, we hold that there is no case made out either for registration of F.I.R. or for transferring the investigation to CBI.

16. The petition, therefore, stands dismissed.

[DR. SHALINI PHANSALKAR JOSHI, J.]

[RANJIT MORE, J.]