

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

CRIMINAL WRIT PETITION NO.638/2016

Kamlabai Ramprasad Shahu ..vs.. The State of Maharashtra through
Secretary, Mumbai and ors.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. R. R. Vyas, Advocate for Petitioner.
Mr. M. J. Khan, A.P.P. for respondents-State.

CORAM : B. P. DHARMADHIKARI AND
V.M. DESHPANDE, JJ.
DATED : MARCH 29, 2017

Heard.

The effort is to show a lacuna in the investigation.

Mr. Vyas, submits that how the accused procured Potassium Cyanide has not been found out. According to him, once the source of Potassium Cyanide is established, its receipt by the accused, its use by him to eliminate the deceased will also come on record as an additional circumstance. He relied upon the judgment of the Hon'ble Apex Court in the case of **State of Gujarat ..vs.. Kaishanbhai Etc.** reported in **2014 ALL MR (Cri) 759 (SC)**, to urge that when the Hon'ble Apex Court has found appropriate training of investigating officers and other staff necessary and has also come down heavily on wrongful prosecutions, such a missing link can be investigated into at this stage only.

The learned A.P.P. submits that the accused was in custody and no source of Potassium Cyanide could be found

out in his questioning. The investigating officer therefore contacted all known authorities legally permitted to hold Potassium Cyanide in stock and found that no Potassium Cyanide was released by them in any quantity to any private individual. He submits that thus all possible angles are already looked into.

The material on record does not connect the accused with the employee of Hindustan Chemicals Company or then the person by name; Pranit S. Asare, who was an ex employee and left it on 18.07.2011 for better prospects. The Hindustan Chemicals Company has itself pointed out that that person had no reason and occasion to come in contact with Potassium Cyanide as he was working in Hydrogen Cyanide plant.

In this situation, we find that at this stage, no direction can be issued to the investigating officer. The contentions raised by the petitioner, who is mother of the deceased, are kept open and we allow her to raise the same at an appropriate stage, if an occasion arises.

Similarly, there is a prayer for grant of compensation. That prayer is also kept open and it can very well be dealt with in accordance with law by the trial court.

The writ petition is disposed of accordingly.

JUDGE

JUDGE