

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.94 OF 2018

Rajesh Tulaji Shinde & Anr. Petitioners

Vs.

The State of Maharashtra & Ors. Respondents

Mr. Subodh Desai a/w Ms. Nikita Vardhan i/by Kanga & Co. for
the Petitioners.

Mr. A.S. Pai, Additional P.P. for the State-Respondent.

Coram : R.M. Savant AND
Sarang V. Kotwal, JJ
Date : 25th April, 2018

P.C.

1 Not on board. Mentioned. Taken on board.

2 The above petition has been filed for myriad prayers
which are appearing in paragraph 29 of the petition amongst the
prayers is a direction sought to transfer the investigation in
respect of C.R. No.336 of 2017 to another agency, to initiate an
enquiry against the Respondent no.2, Police Officer and a

direction to add Sections 142, 340, 351, 359, 307, 323, 324, 363, 441, 158, 506(2), 509, 34, 120-B of the Indian Penal Code to the case.

3 The learned counsel appearing on behalf of the Petitioners, Mr. Desai drew our attention to the medical reports of the Petitioners as also the other injured of the Sir H.N. Reliance Foundation Hospital and Research Centre, Girgaon, Mumbai. In so far as the report relating to Gangaram Tukaram Kamble is concerned, the same discloses that he has suffered Cervical spine C7 spinous process fracture, alleged history of assault. In so far as the Petitioner no.1, Rajesh Tulaji Shinde is concerned, the medical report is to the following effect- “sutured scalp laceration noted”. It seems that the said injured were also taken to the Government Hospital namely St. George Hospital. However, in so far as Gangaram Tukaram Kamble is concerned, the X-ray of his spine was not taken but only X-ray of his skull and chest was taken.

4 In our view, having regard to the medical reports which are annexed to the petition and since the Petitioners are seeking the addition of further sections of the Indian Penal Code in so far as the accused are concerned and since the investigation is yet in progress, we direct the investigating officer to consider the medical reports that are produced by the Petitioners and which are annexed to the above petition and thereafter take an appropriate decision as regards applying the additional provisions of the Indian Penal Code. In view of the fact that the investigating officer has now changed the need to consider the prayer clause (b), which have been adverted to in the earlier part of this order is obviated.

5 With the directions as aforesaid, the Writ Petition is disposed of.

(Sarang V. Kotwal, J.)

(R.M. Savant, J.)